

Appendix I to opinion of DOUGLAS, J., dissenting 408 U.S.

10 U. S. C. § 333:

"The President, by using the militia or the armed forces, or both, or by any other means, shall take such measures as he considers necessary to suppress, in a State, any insurrection, domestic violence, unlawful combination, or conspiracy, if it—

"(1) so hinders the execution of the laws of that State, and of the United States within the State, that any part or class of its people is deprived of a right, privilege, immunity, or protection named in the Constitution and secured by law, and the constituted authorities of that State are unable, fail, or refuse to protect that right, privilege, or immunity, or to give that protection; or

"(2) opposes or obstructs the execution of the laws of the United States or impedes the course of justice under those laws.

"In any situation covered by clause (1), the State shall be considered to have denied the equal protection of the laws secured by the Constitution."

10 U. S. C. § 334:

"Whenever the President considers it necessary to use the militia or the armed forces under this chapter, he shall, by proclamation, immediately order the insurgents to disperse and retire peaceably to their abodes within a limited time."

Two statutes, passed as a result of Reconstruction Era military abuses, prohibit military interference in civilian elections:

18 U. S. C. § 592:

"Whoever, being an officer of the Army or Navy, or other person in the civil, military, or naval service of the United States, orders, brings, keeps, or has under his authority or control any troops or armed men at any place where a general or special election is held, unless such force be necessary to repel armed enemies of the

I Appendix I to opinion of DOUGLAS, J., dissenting

United States, shall be fined not more than \$5,000 or imprisoned not more than five years, or both; and be disqualified from holding any office of honor, profit, or trust under the United States.

"This section shall not prevent any officer or member of the armed forces of the United States from exercising the right of suffrage in any election district to which he may belong, if otherwise qualified according to the laws of the State in which he offers to vote."

18 U. S. C. § 593:

"Whoever, being an officer or member of the Armed Forces of the United States, prescribes or fixes or attempts to prescribe or fix, whether by proclamation, order or otherwise, the qualifications of voters at any election in any State; or

"Whoever, being such officer or member, prevents or attempts to prevent by force, threat, intimidation, advice or otherwise any qualified voter of any State from fully exercising the right of suffrage at any general or special election; or

"Whoever, being such officer or member, orders or compels or attempts to compel any election officer in any State to receive a vote from a person not legally qualified to vote; or

"Whoever, being such officer or member, imposes or attempts to impose any regulations for conducting any general or special election in a State, different from those prescribed by law; or

"Whoever, being such officer or member, interferes in any manner with an election officer's discharge of his duties—

"Shall be fined not more than \$5,000 or imprisoned not more than five years, or both; and disqualified from holding any office of honor, profit or trust under the United States.

Appendix I to opinion of DOUGLAS, J., dissenting 408 U. S.

"This section shall not prevent any officer or member of the Armed Forces from exercising the right of suffrage in any district to which he may belong, if otherwise qualified according to the laws of the State of such district."

Another Reconstruction Era statute forbids the use of military troops as a posse comitatus:

18 U. S. C. § 1385:

"Whoever, except in cases and under circumstances expressly authorized by the Constitution or Act of Congress, willfully uses any part of the Army or the Air Force as a posse comitatus or otherwise to execute the laws shall be fined not more than \$10,000 or imprisoned not more than two years, or both."

Finally, there are two specialized statutes. It was thought necessary to pass an Act of Congress to give the armed services some limited power to control prostitution near military bases, and an Act of Congress was required to enable a member of the Joint Chiefs of Staff to testify before Congress:

18 U. S. C. § 1384:

"Within such reasonable distance of any military or naval camp, station, fort, post, yard, base, cantonment, training or mobilization place as the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, or any two or all of them shall determine to be needful to the efficiency, health, and welfare of the Army, the Navy, or the Air Force, and shall designate and publish in general orders or bulletins, whoever engages in prostitution or aids or abets prostitution or procures or solicits for purposes of prostitution, or keeps or sets up a house of ill fame, brothel, or bawdy house, or receives any person for purposes of lewdness, assignation, or prostitution into any vehicle, conveyance, place, structure, or building; or permits any person to remain for

1 Appendix II to opinion of DOUGLAS, J., dissenting

the purpose of lewdness, assignation, or prostitution in any vehicle, conveyance, place, structure, or building or leases or rents or contracts to lease or rent any vehicle, conveyance, place, structure or building, or part thereof, knowing or with good reason to know that it is intended to be used for any of the purposes herein prohibited shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

"The Secretaries of the Army, Navy, and Air Force and the Federal Security Administrator shall take such steps as they deem necessary to suppress and prevent such violations thereof, and shall accept the cooperation of the authorities of States and their counties, districts, and other political subdivisions in carrying out the purpose of this section.

"This section shall not be construed as conferring on the personnel of the Departments of the Army, Navy, or Air Force or the Federal Security Agency any authority to make criminal investigations, searches, seizures, or arrests of civilians charged with violations of this section."

10 U. S. C. § 141 (e):

"After first informing the Secretary of Defense, a member of the Joint Chiefs of Staff may make such recommendations to Congress relating to the Department of Defense as he may consider appropriate."

APPENDIX II TO OPINION OF DOUGLAS, J.,
DISSENTING

Walter Lippmann gave the following account of his conversation with Churchill:

"The President's bringing Gen. Westmoreland home in order to explain the war reminds me of an instructive afternoon spent during the Second World War. The country and the Congress were divided on the question of whether to strike first against

Appendix II to opinion of Douglas, J., dissenting 408 U.S.

Hitler or first against Japan. Churchill and Roosevelt had agreed on the policy of Hitler first. But there were large and powerful groups in the country, many of them former isolationists in the sense that they were anti-European, who wanted to concentrate American forces on winning the war against Japan. Even the American chiefs of staff were divided on this question of high strategy.

"Churchill had come to Washington, accompanied by the British chiefs of staff, to work out with President Roosevelt and the Administration the general plan of the global war. One morning I had a telephone call from Sen. Austin, who was a strong believer in the Churchill-Roosevelt line. He said in effect, 'I know you are seeing the Prime Minister this afternoon and I wish you would ask him to tell his chiefs of staff to come to Congress and testify in favor of our strategical policy.' Quite innocently I said I would do this, and when Churchill received me that afternoon I began by saying that I had a message from Sen. Austin. 'Would the Prime Minister instruct his chiefs of staff to go to the Senate Foreign Relations Committee . . .' I never finished the message. For the old lion let out a roar demanding to know why I was so ignorant of the British way of doing things that I could dare to suggest that a British general should address a parliamentary body.

"As I remember it, what he said was, 'I am the Minister of Defense and I, not the generals, will state the policy of His Majesty's government.'

"No one who ever aroused the wrath of Churchill is likely to forget it. I certainly have not forgotten it. I learned an indelible lesson about one of the elementary principles of democratic government. And therefore, I take a very sour view of a field

1 Appendix II to opinion of DOUGLAS, J., dissenting

commander being brought home by the President to educate the Congress and the American people."

Our military added political departments to their staffs. A Deputy Chief of Naval Operations, Military Policy Division, was first established in the Department of the Navy by President Truman in 1945. In the Office of Secretary of Defense that was done by President Truman in 1947, the appointee eventually becoming Assistant Secretary for International Security Affairs. A like office was established in 1961 in the Department of the Army by President Kennedy and another for the Air Force in 1957 by President Eisenhower. Thus, when the Pentagon entered a Washington, D. C., conference, its four "Secretaries of State" faced the real Secretary of State and more frequently than not talked or stared him down. The Pentagon's "Secretaries of State" usually spoke in unison; they were clear and decisive with no ifs, ands, or buts, and in policy conferences usually carried the day.

By 1968 the Pentagon was spending \$34 million a year on non-military social and behavioral science research both at home and abroad. One related to "witchcraft, sorcery, magic, and other psychological phenomena" in the Congo. Another concerned the "political influence of university students in Latin America." Other projects related to the skill of Korean women as divers, snake venoms in the Middle East, and the like. Research projects were going on for the Pentagon in 40 countries in sociology, psychology and behavioral sciences.

The Pentagon became so powerful that no President would dare crack down on it and try to regulate it.

The military approach to world affairs conditioned our thinking and our planning after World War II.

We did not realize that to millions of these people there was no difference between a Communist dictatorship

Appendix II to opinion of DOUGLAS, J., dissenting 408 U.S.

and the dictatorship under which they presently lived. We did not realize that in some regions of Asia it was the Communist party that identified itself with the so-called reform programs, the other parties being mere instruments for keeping a ruling class in power. We did not realize that, in the eyes of millions of illiterates, the choice between democracy and communism was not the critical choice it would be for us.

We talked about "saving democracy." But the real question in Asia, the Middle East, Africa, and Latin America was whether democracy would ever be born.

We forgot that democracy in most lands is an empty word. We asked illiterate people living at the subsistence level to furnish staging grounds for a military operation whose outcome, in their eyes, had no relation to their own welfare. Those who rejected our overtures must be communists, we said. Those who did not approve our military plans must be secretly aligning with Russia, we thought.

So it was that in underdeveloped areas we became identified not with ideas of freedom, but with bombs, planes, and tanks. We thought less and less in terms of defeating communism with programs of political action, more and more in terms of defeating communism with military might. Our foreign aid mounted; but nearly 70% of it was military aid.

Our fears mounted as the cold war increased in intensity. These fears had many manifestations. The communist threat inside the country was magnified and exalted far beyond its realities. Irresponsible talk fanned the flames. Accusations were loosely made. Character assassinations were common. Suspicion took the place of goodwill. We needed to debate with impunity and explore to the edges of problems. We needed to search to the horizon for answers to perplexing problems. We needed confidence in each other. But in the

1 Appendix III to opinion of DOUGLAS, J., dissenting

40's, 50's, and 60's suspicions grew. Innocent acts became telltale marks of disloyalty. The coincidence that an idea paralleled Soviet Russia's policy for a moment of time settled an aura of doubt around a person. The Intervention of the General, Washington Post, Apr. 27, 1967, Sec. A, p. 21, col. 1.

APPENDIX III TO OPINION OF DOUGLAS, J., DISSENTING

Alexander I. Solzhenitsyn, the noted Soviet author, made the following statement March 30, 1972, concerning surveillance of him and his family (reported in the Washington Post, Apr. 3, 1972):

"A kind of forbidden, contaminated zone has been created around my family, and to this day, there are people in Ryazan [where Solzhenitsyn used to live] who were dismissed from their jobs for having visited my house a few years ago. A corresponding member of the Academy of Sciences, T. Timofeyev, who is director of a Moscow institute, became so scared when he found out that a mathematician working under him was my wife that he dismissed her with unseemly haste, although this was just after she had given birth and contrary to all laws . . .

"It happens that an informant [for his new book on the history of prerevolutionary Russia] may meet with me. We work an hour or two and as soon as he leaves my house, he will be closely followed, as if he were a state criminal, and they will investigate his background, and then go on to find out who this man meets, and then, in turn, who that [next] person is meeting.

"Of course they cannot do this with everyone. The state security people have their schedule, and their own profound reasoning. On some days, there is no surveillance at all, or only superficial surveillance. On other days, they hang around, for example when Heinrich Boll

came to see me [he is a German writer who recently visited Moscow]. They will put a car in front of each of the two approaches [to the courtyard of the apartment house where he stays in Moscow] with three men in each car—and they don't work only one shift. Then off they go after my visitors, or they trail people who leave on foot.

"And if you consider that they listen around the clock to telephone conversations and conversations in my home, they analyze recording tapes and all correspondence, and then collect and compare all these data in some vast premises—and these people are not underlings—you cannot but be amazed that so many idlers in the prime of life and strength, who could be better occupied with productive work for the benefit of the fatherland, are busy with my friends and me, and keep inventing enemies."

MR. JUSTICE BRENNAN, with whom MR. JUSTICE STEWART and MR. JUSTICE MARSHALL join, dissenting.

The Court of Appeals held that a justiciable controversy exists and that respondents have stated a claim upon which relief could be granted. 144 U. S. App. D. C. 72, 83, 444 F. 2d 947, 958 (1971). I agree with Judge Wilkey, writing for the Court of Appeals, that this conclusion is compelled for the following reasons stated by him:

"[Respondents] contend that the *present existence of this system* of gathering and distributing information, allegedly far beyond the mission requirements of the Army, constitutes an impermissible burden on [respondents] and other persons similarly situated which exercises a *present inhibiting effect* on their full expression and utilization of their First Amendment rights of free speech, etc. The baleful effect, if there is one, is thus a present

1

BRENNAN, J., dissenting

inhibition of lawful behavior and of First Amendment rights.

"Under this view of [respondents'] allegations, under justiciability standards it is the operation of the system itself which is the breach of the Army's duty toward [respondents] and other civilians. The case is therefore ripe for adjudication. Because the evil alleged in the Army intelligence system is that of overbreadth, *i. e.*, the collection of information not reasonably relevant to the Army's mission to suppress civil disorder, and because there is no indication that a better opportunity will later arise to test the constitutionality of the Army's action, the issue can be considered justiciable at this time." *Id.*, at 79-81, 444 F. 2d, at 954-956 (emphasis in original) (footnotes omitted).

"To the extent that the Army's argument against justiciability here includes the claim that [respondents] lack standing to bring this action, we cannot agree. If the Army's system does indeed derogate First Amendment values, the [respondents] are persons who are sufficiently affected to permit their complaint to be heard. The record shows that most if not all of the [respondents] and/or the organizations of which they are members have been the subject of Army surveillance reports and their names have appeared in the Army's records. Since this is precisely the injury of which [respondents] complain, they have standing to seek redress for that alleged injury in court and will provide the necessary adversary interest that is required by the standing doctrine, on the issue of whether the actions complained of do in fact inhibit the exercise of First Amendment rights. Nor should the fact that

40

OCTOBER TERM, 1971

BRENNAN, J., dissenting

408 U.S.

these particular persons are sufficiently uninhibited to bring this suit be any ground for objecting to their standing." *Id.*, at 79 n. 17, 444 F. 2d, at 954 n. 17.

Respondents may or may not be able to prove the case they allege. But I agree with the Court of Appeals that they are entitled to try. I would therefore affirm the remand to the District Court for a trial and determination of the issues specified by the Court of Appeals.

June 1975

**Report to the President
by the
COMMISSION ON
CIA ACTIVITIES WITHIN
THE UNITED STATES**



Chapter 9

The CIA's Mail Intercepts

During the early 1950's, at the height of the so-called cold war, the CIA initiated the first of a series of programs to examine the mails between the United States and Communist countries for purposes of gathering intelligence. During the years since that time, interception and examination¹ of the mails for intelligence purposes was carried out at various times by the CIA at four different locations in the United States, until the last project was terminated in 1973.

An intercept project in New York City was the most extensive of the CIA mail operations, and lasted for twenty years.

Three Postmasters General and one Attorney General were informed of the project to varying degrees. The CIA, the record discloses, was aware of the law making mail openings illegal, but apparently considered the intelligence value of the mail operations to be paramount.

The stated purpose of the New York mail intercept project was best described in the report of the Chief of Counterintelligence presented to Director James R. Schlesinger in 1973 when termination of the project was being considered. The report stated:

The mail intercept project is a basic counterintelligence asset designed to give United States intelligence agencies insight into Soviet intelligence activities and interests.²

Three other mail projects carried out by the Agency during the same period occurred in San Francisco, Hawaii and New Orleans. The intercept in San Francisco took place during four separate periods of a month or less in 1969, 1970 and 1971. The one in Hawaii occurred in late 1954 and early 1955; and the New Orleans intercept lasted only about three weeks, in 1957.

¹ Mail intercepts or mail openings involve the opening and examination of the contents of letters. Mail cover operations involve only examination and copying information on the outside or covers of letters.

² Among these Soviet activities was mail censorship. Presumably all mail to and from the USSR is censored by the Soviets.

In addition, the Office of Security, acting alone over a 24-year period, ran over 91 separate mail cover operations and conducted about 12 mail openings relating to particular individuals within the United States. Most of the cases involved CIA employees under investigation, although some of the activity was directed against foreign nationals and some against citizens who had no connection with the CIA.

This chapter discusses and analyzes these projects, concludes that the interceptions were illegal and improper, and recommends steps to prevent their reinstitution.

A. East Coast Mail Intercept

1. Inception of the Project

During 1952, interception of mail was perceived by the CIA as a potential source of intelligence. The Agency concluded that it was willing to devote the technical personnel and resources that would be required to carry such an operation into effect. Nevertheless, the CIA recognized the necessity for caution in approaching the subject with the postal authorities. The Chief of the Special Security Division said in a planning memorandum dated July 1, 1952, "I believe we should make contact in the Post Office Department at a very high level, pleading relative ignorance of the situation and asking that we, with their cooperation, make a thorough study of the volume of such mail, the channels through which it passes and particularly the bottlenecks within the United States in which we might place our survey team."

The Post Office Department was initially to be approached with a request that the CIA be allowed to examine only the outside or covers of the mail. The actual ultimate intent of the CIA was, however, made clear in the last paragraph of the July 1, 1952, memorandum:

Once our unit was in position, its activities and influence could be extended gradually, so as to secure from this source every drop of potential information available. At the outset, however, as far as the Post Office is concerned, our mail target could be the securing of names and addresses for investigation and possible further contact.

The memorandum also outlined the possible benefits of such a program. It would allow determination of the nature and point of origin of communications from the Soviet Union. Technical analysis of the mail might also reveal secret communication methods.

By September 30, 1952, the Office of Security of the CIA had determined, through its investigation of the mails in the United States, the volume of mail flow from the Soviet Union. Security had also determined from the FBI that the Bureau then maintained no records

of correspondence between United States and Soviet citizens except that which was uncovered incidentally in investigation of internal security or espionage cases. The Security Office requested the Deputy Director for Plans to inform the Director of Central Intelligence that Security planned to undertake activities to accumulate information on all letter envelopes, or covers, passing through New York City, originating in the Soviet Union or destined for the Soviet Union. Security noted that the Operation would require the cooperation of the United States Post Office Department and the FBI. The sensitivity of the operation was deemed "patently obvious."

On November 6, 1952, the CIA wrote to the Chief Postal Inspector and asked that arrangements be made for one or two designated CIA employees to work with a Postal Inspector in securing certain information from the mails. The expressed intention was to examine the outside of envelopes only.

Arrangements were made on December 8, 1952, with the Chief Postal Inspector to survey all mail to and from the Soviet Union passing through New York City, and to provide for selective photographing of the envelopes or covers. The mail was removed in bulk from the regular Post Office channels for purposes of examination, and by December 18 the Office of Security had completed the survey of how all mail passing to and from the Soviet Union was handled through New York.

By September 1953, the mail operation had been in progress for about a year. Analysis by the Agency of the materials examined showed that the CIA had gained both substantive and technical intelligence. This was deemed sufficiently valuable to warrant expansion of the project and the photographing of all the mail covers passing through the New York Post Office to and from the Soviet Union. On December 23, 1953, Security reported to the CIA's Director of Operations that it was ready to install the photography equipment at the Post Office and that the Post Office would cooperate by making the mail available to the CIA agents. Both sides of all first class mail were to be photographed. The December 23 memorandum closed by suggesting that the support of Allen Dulles, then Director of Central Intelligence, be solicited for securing Post Office approval of this second step of the venture. Agency documents show that by this time (and probably as early as February 1953) selected items of the mail were already being opened and the contents analyzed by the CIA.

2. Initial Contact with the Postmaster General

In a memorandum to the Director of Central Intelligence dated January 4, 1954, the Director of Security explained that the Postal Inspectors were unwilling to go forward without higher authorization from within the Post Office Department. Security suggested to the

DCI that arrangements be made for a meeting between the DCI and the Postmaster General, who had already been briefed generally on the project by the Chief Postal Inspector and was waiting for the Director's call. The Director of Security said that in his meeting with the Postal Inspectors, no mention was made of informing the FBI. In fact, the FBI apparently did not become aware of the mail project until four years later, in February of 1958.

On May 17, 1954, Allen Dulles and Richard Helms, the latter then Chief of Operations in the Plans Directorate, met with Postmaster General Arthur Summerfield and three of Summerfield's assistants. According to Helms' contemporaneous memorandum of the meeting, Dulles described the importance of the mail program and asked that it be allowed to continue. No mention appears to have been made of covert mail opening. Summerfield made no specific comment but, according to Helms' memorandum, it was clear that he was in favor of giving the CIA any assistance he could. Helms' memorandum pointed out that Director Dulles, during the conference, did not mention the potential for passing material on internal security matters to the FBI and thought it would be better to leave that until a later date.

3. Formal Counterintelligence Proposal

By late 1955, the Office of Security had eight full-time employees and several others on a part-time basis engaged in opening the mail. The project was ready to be expanded. The Chief of Counterintelligence asked Helms, by memorandum dated November 21, 1955, for formal approval of a new counterintelligence program in conjunction with the mail project.

The Counterintelligence Staff, which had previously not been involved with the project, proposed that the CIA expand the operation and "gain access to all mail traffic to and from the USSR which enters, departs or transits the United States." Counterintelligence further suggested that the "raw information acquired be recorded, indexed, analyzed and that various components of the Agency be furnished items of information." According to the November 21 memorandum, the only added function that would be performed by the Office of Security was that "more letters will be opened." "They are presently able to open only a very limited number."

The project description which accompanied the November 21 memorandum noted that the mail opening did not have the express or tacit approval of the postal authorities. It also recognized that "there is no overt, authorized or legal censorship or monitoring of first-class mails which enter, depart, or transit the United States at the present time." It could be assumed, therefore, the proposal said, that foreign espionage agents used the mail as a means of communication, relying upon the policy of the government against any monitoring of mail. Because

of this policy, however, it was conceded that any disclosure of the mail project would probably cause "serious public reaction in the United States, perhaps leading to a congressional inquiry." But, the project description said, "it is believed that any problem arising could be satisfactorily handled."

The proposed counterintelligence project was approved by the Deputy Director for Plans and the Director of Security in January 1956, but difficulties in organization delayed commencement of operations until approximately November 1956.

4. FBI Liaison with the Mail Project

In January 1958, the FBI approached the Post Office Department for the purpose of instituting similar coverage of mail to and from the Soviet Union. The Post Office Department brought the Bureau's request to the Agency's attention, and shortly thereafter CIA representatives told the FBI of the Agency's ongoing mail project. Up to that time, the CIA had avoided telling the FBI of the mail project—and no materials derived from the project were disseminated to the FBI.

Discussions between Agency and Bureau representatives in February 1958 resulted in an agreement that the CIA would send to the FBI mail project items which were of internal security interest. The FBI, in turn, would provide the Agency with watch lists of particular persons or matters in which the Bureau was interested. The Bureau agreed with the CIA's suggestion that the project should be handled by the CIA alone. Eventually, the FBI would become, by far, the principal recipient of mail project materials outside of the CIA's Counterintelligence Staff.

5. The Mail Project in Full Operation

The mail opening project, which started in the early months of the operation with only a few letters, had expanded by 1959 to include the opening of over 13,000 letters a year. By 1961, the CIA had installed a small laboratory for technical examination of letters to uncover foreign espionage techniques of communication.

The physical scanning of the mail was performed by CIA officers in a facility located at the New York intercept. The envelopes of letters selected during the scanning process were photographed, opened and the contents photographed. The letters were then resealed. Technical testing of some of the letters and their contents was also accomplished at a CIA facility in the region. Copies of letters were analyzed in CIA headquarters.

Individuals or organizations of particular intelligence interest were specified in watch lists provided to the mail project by the Counterintelligence Staff, by other CIA components, and by the FBI. The total

number of names on the watch list varied, from time to time, but on the average, the list included approximately 300 names including about 100 furnished by the FBI. The watch list included the names of foreigners and of United States citizens. Operation CHAOS (see Chapter 11), in an effort to focus the mail project upon communications of dissidents, provided the mail project with a watch list of 41 American citizens.

Dissemination of the information derived from the mail intercept was made to those CIA departments which filed watch lists. The principal user of the information within the CIA was the Counterintelligence Staff. Information of an internal security nature derived from the intercept was forwarded to the FBI.

6. Second Briefing of a Postmaster General

With the inauguration of the Kennedy Administration in 1961 and the appointment of a new Postmaster General, consideration was again given in the CIA to briefing high postal officials on the program. The Deputy Chief of Counterintelligence pointed out in a January 27, 1961, memorandum that "there is no record in any conversation with any official of the Post Office Department that we have admitted opening mail." The memorandum continued that although "all conversations have involved examination of exteriors," it nevertheless seemed "quite apparent that they must feel sure that we are opening mail." No further explanation was given to support the last remark.

Counterintelligence suggested to Richard Helms, then the Deputy Director for Plans, who was about to meet with J. Edward Day, the new Postmaster General, that ". . . if the Postmaster General asks if we open any mail, we confirm that some mail is opened. He should be informed, however, that no other person in the Post Office has been so informed."

Allen Dulles, Director of Central Intelligence, accompanied by Helms and another CIA officer met with Postmaster General Day on February 15, 1961. According to Helms' memorandum for the record made the following day, the CIA representative told Day "the background, development and current status (of the mail project), withholding no relevant details." The Postmaster General, according to Helms' memorandum, ended the February 15 meeting by "expressing the opinion that the project should be allowed to continue and that he did not want to be informed in any greater detail on its handling."

Whether the "relevant details" told to Day included the fact of mail openings is not entirely clear.

Day testified on May 7, 1975, before the House Committee on the Post Office and Civil Service that, when Dulles came to visit on February 15, 1961, and said he had something "very secret" to talk about,

Day responded that he would rather not know about the secret, and so Dulles did not tell him about it.

Helms stressed in his testimony that, while he could not recall the specific conversation, his memorandum of February 15, 1961, states that no information was withheld. An August 1971 note on the subject, apparently written by the chief of the mail project, tends to point the other way. In any event, the mail project continued.

7. Consideration of "Flap Potential" and Cover Stories

Concern over the "flap potential" of the mail project appears to have been constant. Even the CIA's Inspector General, after a review of the Office of Security in 1960, had recommended preparation of an "emergency plan" and "cover story" if the mail project were somehow revealed. Despite general realization in the Agency of the dangers involved, the Inspector General in the 1960 review did not suggest termination of the project or raise the issue of its legality.³

Detailed consideration of the "flap" problem was set forth in a memorandum sent by the Deputy Chief of Counterintelligence to the Director of Security on February 1, 1962. This memorandum warrants attention. It conceded that everyone realized from the outset of the mail project that "... a flap would put us [the project] out of business immediately and give rise to grave charges of criminal misuse of the mail by government agencies." It had been decided, however, that "the effort was worth the risk." It was assumed that any compromise of the project would "unavoidably be in the form of a charge of violations of the mails." The memorandum continued:

Since no good purpose can be served by an official admission of the violation, and existing Federal Statutes preclude the concoction of any legal excuse for the violation, it must be recognized that no cover story is available to any government agency.

* * * * *

Unless the charge is supported by the presentation of interior items from the project, it should be relatively easy to "hush up" the entire affair, or to explain that it consists of legal mail cover activities conducted by the Post Office at the request of authorized Federal Agencies. Under the most unfavorable circumstances, including the support of charges with interior items from the project it might become necessary, after the matter has cooled off during an extended period of investigation, to find a scapegoat to blame for unauthorized tampering with the mails.

The response of the CIA to this Commission's inquiries on the mail project was the opposite of that suggested in the memorandum. All CIA files and personnel connected with the mail project appear to have

³A July 1969 Inspector General review of the Counterintelligence Staff, however, did recommend that the Deputy Director of Plans discuss with the Director of Central Intelligence the transfer of the mail operation to the FBI or in the alternative that the project be cancelled. The recommendation was not followed.

been made available to the Commission staff, and a detailed, accurate description of the project was provided to the Commission by the former Chief of Counterintelligence. The 1962 memorandum is, however, significant because it shows the thought processes of those involved and illustrates the need for a method of periodic review of CIA operations by objective persons.

A further indication that the CIA was aware of the possible criminality of the mail project exists in a September 26, 1963, memorandum by the officer in charge of the mail project to an officer in the CIA's Operations Division. That memorandum states "there is no legal basis for monitoring postal communication in the United States except during time of war or national emergency . . ." The Commission staff found nothing in the CIA records indicating that the Agency's legal counsel was asked to give an opinion on the mail intercept prior to its inception. As previously noted, the Inspector General, in looking into the project in 1960, simply proposed that an adequate "cover story" be developed.

Substantial consideration was given again to the possible efforts of exposure of the operation, after testimony before a Senate subcommittee in April 1965 had apparently indicated that governmental agencies were "snooping into the mail." According to a contemporaneous memorandum of an April 25, 1965, conference which included the Assistant Deputy Director for Plans, Thomas Karamessines, consideration was given to suspending the mail project pending the conclusion of the Senate hearings. The idea was rejected because the project was deemed sufficiently secure and the project's facilities at the post office could be dismantled and removed on an hour's notice.

Consideration was given during the April 25 meeting to briefing Postmaster General Gronouski about the project because no officials then in the Post Office Department had been briefed. This was rejected because of testimony which Mr. Gronouski had given before the Senate subcommittee. The Assistant Deputy Director for Plans instead gave instructions that "steps be taken to arrange to pass this information through McGeorge Bundy to the President" after the subcommittee investigation was completed. No evidence could be found to confirm that President Johnson was ever advised of the project.

8. The Appointment of William Cotter, a Former CIA Officer, as Chief Postal Inspector

On April 7, 1969, William J. Cotter, previously a security officer in the Plans Directorate, was sworn in as Chief Postal Inspector of the United States Post Office Department. Cotter was recommended for the position by Richard Helms, who, along with the heads of other governmental components, had been asked by Postmaster General Blount for suggestions as to persons who might fill the Chief Inspec-

tor's job. Cotter was considered the best qualified among three or four persons suggested to Helms by the CIA's Director of Security.

Cotter had been with the Agency since 1951, and from 1952 through 1955 he had served as deputy head of the CIA field office which coordinated the East Coast mail intercept. Cotter knew of the project from its outset and he was aware that letters were opened surreptitiously. Although Cotter had no direct contact with the mail intercept project from 1956 to 1969, when he was appointed Chief Postal Inspector, he knew that it was still in operation.

As Cotter left the CIA headquarters on April 8, 1969, to be sworn in as Chief Postal Inspector, he coincidentally met an officer in the Counterintelligence Staff. A CIA memorandum for the record of the same date sets forth the substance of the conversation which ensued. According to that memorandum, Cotter was concerned that circumstances in his new position might compel him to reveal the existence of the mail project. If he were asked about mail intercepts under oath, Cotter—unlike his predecessor—could not truthfully state he thought the project involved only mail "covers." Further, because of his CIA background, he would be in a particularly precarious position if the project were compromised.

According to the April 8 memorandum, Cotter said he planned to enter his new job without making inquiries about the project, and he planned to do nothing about the project unless it was mentioned to him. Cotter said that eventually he would probably inspect the mail intercept facility and might find it necessary to brief Postmaster General Blount. But, according to the memorandum, Cotter assured the counterintelligence officer that he would not take any action without consulting first with the CIA.

9. Cotter's Dilemma About the Mail Project

In January 1971, Cotter, as Chief Postal Inspector, received a letter from an association of American scientists inquiring about possible Post Office acquiescence in opening first-class mail. Cotter apparently forwarded a copy of the letter to the CIA. A CIA memorandum in March 1971 indicates that Cotter also was concerned that the impending alteration of the Post Office Department from a governmental agency to a corporation in mid-1971 might cause organizational changes which would result in revelation of the mail project. Before this Commission, Cotter testified that the reorganization was not of major concern to him in this respect.

In any event, Director Helms convened a meeting of his associates on May 19, 1971, to discuss the mail project. The May 19 meeting was attended by the Deputy Director for Plans, the Director of Security, the Chief and the Deputy Chief of Counterintelligence, and the officer in charge of the mail project. According to a memorandum made

after the meeting, the discussion in part concerned the extent of knowledge of the project outside the CIA and the likelihood of exposure. Thomas Karamessines, now Deputy Director for Plans, was particularly concerned about compromise of the project because it would cause the CIA "the worst possible publicity and embarrassment." Cotter's "dilemma" was evident. While he was presumably loyal to the CIA, he could not deny knowledge of the project under oath and, furthermore, in his new job his loalty belonged to the Postmaster General.

Karamessines suggested during the meeting that the mail project be handled by the FBI. As he said, "they could better withstand such publicity, inasmuch as it is a type of domestic surveillance."

The Counterintelligence Chief responded that his staff regarded the operation as foreign surveillance—and that the FBI did not have the facilities or trained personnel to take care of the operation. The Chief of Counterintelligence also contended that the CIA could live with the known risks and should continue the project.

Director Helms decided to discuss the matter with Cotter and determine whether Postmaster General Blount should be informed. Helms then met with Cotter, and it was agreed that higher level approval in the Post Office Department for the mail project was necessary. Helms said he would first talk with the Attorney General.

10. Helms Briefs the Attorney General and the Postmaster General on the Mail Project

The Director met with Attorney General Mitchell on June 1 and with Postmaster General Blount on June 2, 1971, to discuss the mail project. Helms reported on June 3, 1971, to the Deputy Director for Plans, the Director of Security, and the Counterintelligence Chief that Attorney General Mitchell had fully concurred in the value of the operation and had no "hang-ups" concerning it. Mitchell also reportedly encouraged Helms to brief the Postmaster General.

Helms said he met with Postmaster General Blount and showed him selected items derived from the project and explained Cotter's situation. Blount, according to Helms, was "entirely positive regarding the operation and its continuation." Further, Blount felt "nothing needed to be done" and rejected a "momentarily held thought" to have someone review the legality of the project because to do so would widen the circle of knowledgeable persons. The project was therefore continued with Director Helms's admonition that if there were even a suspicion of a leak, the project was to be stopped; investigation could be made later.⁴

⁴In a telephone interview with the Commission staff, Mr. Blount said he could not recall the specifics of his conversation with Helms. Mr. Mitchell's attorney, in response to a staff inquiry, said that Mitchell could recall the conversation with Helms but thought they had only discussed mail covers.

11. Termination of the East Coast Mail Project

Postmaster General Blount resigned his cabinet post later in 1971 and Attorney General Mitchell resigned at the end of February 1972, leaving Cotter as once again the senior governmental official outside the CIA with knowledge of the mail project. Cotter expressed his misgivings about the propriety of the project and his continuing concern about the conflict in his loyalties in a conversation with Mr. Karamesines and the Chief of the Office of Security. Finally, in early 1973, Cotter said that unless the CIA obtained higher level approval for the project by February 15, 1973, it would have to be terminated.

This ultimatum was brought to the attention of James R. Schlesinger, who was then Director of Central Intelligence. The Counterintelligence Staff forwarded a memorandum to the Director arguing the importance to both the CIA and the FBI of continuing the project. The correspondence was reviewed at a meeting on February 15, 1973, between Schlesinger and William Colby, who was the CIA Executive Director-Comptroller. Schlesinger determined at the meeting that the project should be turned over to the FBI and that he was not convinced that "the product to the CIA [from the mail project] was worth the risk of CIA involvement."

As a result of another meeting shortly thereafter, with both Colby and the Counterintelligence Chief, Schlesinger decided that Cotter should be asked to defer termination of the project while the CIA took it to a "very high level." But Cotter refused the request for delay, stating that the project should be shut down now and could be renewed once appropriate authority was obtained. The New York mail project was therefore terminated by the Agency on February 15, 1973.

There is no record to indicate that the CIA attempted to obtain President Nixon's approval of the project in 1973. Indeed, although CIA files reflect suggestions made in January 1954 (Eisenhower Administration) and in April 1965 (Johnson Administration) that the President be advised of the mail project, no evidence could be found that any briefing of any President occurred.

12. Evaluating the Mail Project

Statistics gathered by the CIA show that in the last full year of its operation, the New York mail intercept handled approximately 4,350,000 items of mail and examined the outside of over 2,300,000 of those items. Photographs were taken of the exteriors of approximately 33,000 items. Some 8,700 items were opened and the contents analyzed.

Selections for opening were made on the basis of a watch list given to the crew and upon various other intelligence factors. During the last year, approximately 5,000 of the selections were made on the basis of the watch list.

In the last year, the program made over 3,800 separate disseminations of information derived from the project within the Agency and sent some 1,400 separate items of information to the FBI. At the end of 1972, the active watch list of names totaled approximately 600. The number of names watch-listed varied from month to month as they were supplied by CIA components and the FBI.

Although only mail coming into the United States was intercepted in the early years of the project, both outgoing and incoming mail were involved during most of the project's operation. CIA personnel estimate that, overall, approximately 30 percent of the mail intercepted was outgoing.

The project not only disseminated current information but provided file data back to 1955 in a compartmented, computerized machine record system containing almost 2,000,000 entries. Institutional and organizational files were also maintained for reference and analytical purposes.

The intelligence value of the mail project is not easy to assess. While the Commission staff examined materials derived from the mail intercept, it is difficult to judge their significance without knowing a great deal about the cases to which the materials may relate.

All components of the Agency seemed to agree that the project was useful as a source of technical communications intelligence on such matters as secret writing, censorship techniques and the like.

There are also indications that the FBI found the mail project valuable in internal security matters.

The Counterintelligence Staff regarded the mail project as a unique source of intelligence of strategic importance. It was, they said, a source of counterintelligence leads and of confirmation of otherwise questionable information.

During his 1973 review of the project, however, Director Schlesinger was not convinced that the intelligence derived from the mail intercept was worth the risk of continued CIA involvement.

B. West Coast Mail Intercept

An August 26, 1969, two CIA officers from the technical division of the Plans Directorate spoke with the Deputy Chief Postal Inspector for the United States about commencing a CIA mail cover operation on the West Coast. The proposed operation was to encompass international mail from the Far East. According to a contemporaneous CIA memorandum, the Agency officers said during the August 26 meeting that the proposed activity would not involve opening the mail; rather, the Agency wanted only to analyze the exteriors of

relevant envelopes. The postal official stated that he wanted to look further into the matter.

The same CIA officers met with the Deputy Chief Postal Inspector on September 12, 1969, to make arrangements for a survey on the West Coast of the mail flow from the designated communist-controlled areas overseas. The postal official agreed to the proposed survey. A CIA memorandum made shortly after the September 12 meeting indicates that "the key factor" in the official's decision to permit the survey was "the fact that no envelopes would be opened."

Several days after the meeting on September 12, the two CIA officials visited a postal facility in the San Francisco area. They conducted a week-long survey of the incoming mail from the Far East. In all, over 1500 envelopes were reviewed. No indication could be found that any mail was opened during this survey.

CIA records do not show that any high level approval was requested or obtained within the Agency for the September 1969 mail survey. The CIA officers who undertook the survey apparently did so in order to determine the feasibility of the mail project before they sought approval for it.

On October 6, 1969, the two officers who had conducted the survey convinced the chief of their division in the Plans Directorate that the project was feasible and that approval should be sought for it. The proposal was also discussed on October 23, 1969, with the Director of Security, who agreed with it but said that the approval of Director Helms had to be obtained. The Director of Security also suggested during this meeting that, in view of the obvious sensitivity of the proposal, all CIA personnel should "avoid preparing or exchanging any formal communications on the project." (No such communications were located, but hand-written notes made by one CIA officer detailed the events occurring throughout the formative stages of the project.)

Thomas Karamessines, the Deputy Director for Plans, orally approved the project on November 4, 1969. He had secured Director Helms' approval for the project the prior week. Karamessines testified that he approved of the project because it was the only way to obtain intelligence vital to the safety of agents involved in certain ongoing operations.

Later in November 1969, the CIA Director of Security explained the project to Chief Postal Inspector Cotter, who gave his approval. Cotter, of course, was familiar with the New York mail intercept project. He said he wanted the West Coast project "to go slow and develop gradually."

Neither Cotter nor any other postal official appears to have been told that the West Coast project would involve opening mail. CIA records indicate that the Agency representatives ostensibly agreed

with the Post Office instructions that no mail was to be removed from Post Office premises or opened. Nevertheless, the CIA's plan from the outset was to open the mail, if possible, without informing postal authorities.

The CIA officers involved in the West Coast project were aware that questions might be raised as to its propriety under United States laws, but they believed the likely intelligence potential from the project was worth the risk. The successful operation of the mail project in New York over the prior 16 years also played a part in the decision to proceed with the West Coast project.

The first formal operation of the San Francisco project occurred in early 1970, and another operation was run later that year. A third effort was made in 1971. Each of the operations lasted for approximately two or three weeks and followed the same pattern: Late in the evening, CIA personnel went to the postal facility, where a special official met them and opened the relevant bags of mail. The postal official remained present while the CIA representatives performed tests on the outside of envelopes. During virtually every session, the CIA officers, apparently without the knowledge of the postal official, concealed selected pieces of mail in an equipment case or a handbag. The selected items were then taken surreptitiously from the post office facility, opened, photographed, analyzed, resealed and returned to the mail flow during the next visit to the facility.

CIA records indicate that a great majority of the mail examined had originated outside the United States, although, on at least one occasion, a bag of outgoing mail was opened for the CIA officers. The primary objective of the San Francisco mail intercept, unlike the East Coast mail project, was to obtain technical intelligence concerning foreign censorship, secret writing and the like. Agency records indicate the San Francisco project was highly successful in meeting this objective.

C. Hawaiian Mail Intercept

An intercept of mail from the Far East was carried out in the territory of Hawaii from late 1954 until the end of 1955, when the intercept was terminated. The project was initiated by a single CIA officer, who photographed, opened and analyzed selected items of mail.

CIA Headquarters was not informed of the one-man Hawaiian operation prior to its beginning, nor was express approval ever granted for it. Tacit approval of the project may nevertheless be implied from the favorable response given to the operation report submitted by the officer in charge of the project. The Hawaiian intercept appears to have been successful in producing technical postal intelligence.

D. New Orleans Mail Intercept

A fourth mail intercept was conducted in New Orleans for approximately three weeks in August 1957 as a counterintelligence operation. Approximately 25 sacks of international surface mail were examined each day. The mail examined did not originate in the United States, nor was it destined for delivery in the United States; it was simply in transit. Approximately 200 items were opened and photographed, but no substantive intelligence was gained and the project was terminated.

Conclusions

While in operation, the CIA's domestic mail opening programs were unlawful. United States statutes specifically forbid opening the mail.

The mail openings also raise Constitutional questions under the Fourth Amendment guarantees against unreasonable search, and the scope of the New York project poses possible difficulties with the First Amendment rights of free speech and press.

Mail cover operations (examining and copying of envelopes only) are legal when carried out in compliance with postal regulations on a limited and selective basis involving matters of national security. The New York mail intercept did not meet these criteria.

The nature and degree of assistance given by the CIA to the FBI in the New York mail project indicate that the primary purpose eventually became participation with the FBI in internal security functions. Accordingly, the CIA's participation was prohibited under the National Security Act.

Recommendation (13)

a. The President should instruct the Director of Central Intelligence that the CIA is not to engage again in domestic *mail openings* except with express statutory authority in time of war. (See also Recommendation 23.)

b. The President should instruct the Director of Central Intelligence that *mail cover* examinations are to be in compliance with postal regulations; they are to be undertaken only in furtherance of the CIA's legitimate activities and then only on a limited and selected basis clearly involving matters of national security.

A. Origins of Operation CHAOS—August 1967

In the wake of racial violence and civil disturbances, President Johnson on July 2, 1967, formed the National Commission on Civil Disorders (the Kerner Commission) and directed it to investigate and make recommendations with respect to the origins of the disorders. At the same time, the President instructed all other departments and agencies of government to assist the Kerner Commission by supplying information to it.

On August 15, 1967, Thomas Karamessines, Deputy Director for Plans, issued a directive to the Chief of the Counterintelligence Staff instructing him to establish an operation for overseas coverage of subversive student activities and related matters. This memorandum relayed instructions from Director Richard Helms, who, according to Helms' testimony, acted in response to continuing, substantial pressure from the President to determine the extent of any foreign connections with domestic dissident events. Helms' testimony is corroborated by a contemporaneous FBI memorandum which states:

The White House recently informed Richard Helms, Director, CIA, that the Agency should exert every possible effort to collect information concerning U.S. racial agitators who might travel abroad * * * because of the pressure placed upon Helms, a new desk has been created at the Agency for the explicit purpose of collecting information coming into the Agency and having any significant bearing on possible racial disturbances in the U.S.

The question of foreign involvement in domestic dissidence combined matters over which the FBI had jurisdiction (domestic disorder) and matters which were the concern of the CIA (possible foreign connection). The FBI, unlike the CIA, generally did not produce finished, evaluated intelligence. Apparently for these reasons, the President looked to the Director of Central Intelligence to produce a coordinated evaluation of intelligence bearing upon the question of dissidence.

When the Kerner Commission's Executive Director wrote to Helms on August 29, 1967, requesting CIA information on civil disorders, Helms offered to supply only information on foreign connections with domestic disorder. Ultimately, the CIA furnished 26 reports to the Kerner Commission, some of which related largely to domestic dissident activities.

B. Evolution of Operation CHAOS—The November 1967 Study

The officer selected to head what became the Special Operations Group was a person already involved in a counterintelligence effort

in connection with an article in *Ramparts* magazine on CIA associations with American youth overseas. In connection with his research and analysis, the officer had organized the beginnings of a computer system for storage and retrieval of information on persons involved in the "New Left."

By October 1967, this officer had begun to establish his operation concerning foreign connections with the domestic dissident scene. In a memorandum for the record on October 31, 1967, he indicated that the CIA was to prepare a study on the "International Connections of the United States Peace Movement."

The CIA immediately set about collecting all the available government information on dissident groups. All field stations of the CIA clandestine service were polled for any information they had on the subject of the study. Every branch of the intelligence community was called upon to submit whatever information it had on the peace movement to the Special Operations Group for cataloging and storage. Most of the information was supplied by the FBI.

All information collected by the Special Operations Group was forwarded to the CIA Office of Current Intelligence, which completed the study by mid-November. Director Helms personally delivered the study to President Johnson on November 15, 1967, with a covering note stating that "this is the study on the United States Peace Movement you requested."

The study showed that there was little evidence of foreign involvement and no evidence of any significant foreign financial support of the peace activities within the United States. As a result of the information gathered for the study, however, the Special Operations Group gained an extensive amount of data for its later operations.

On November 20, 1967, a new study was launched by the CIA at the request of the Director of Central Intelligence. This study was titled "Demonstration Techniques." The scope of the study was world-wide, and it concentrated on antiwar demonstrations in the United States and abroad. The procedure used on the earlier study was also employed to gather information for this new project.

The CIA sent an updated version of the Peace Movement Study to the President on December 22, 1967, and on January 5, 1968, Director Helms delivered to the White House a paper entitled "Student Dissent and Its Techniques in the United States." Helms' covering letter to the President described the January 5 study as "part of our continuing examination of this general matter."

Again, the information bank of the Special Operations Group was increased by the intelligence gathered for these studies.

C. Evolution of Operation CHAOS—Domestic Unrest in 1968

Continuing antiwar demonstrations in 1968 led to growing White House demands for greater coverage of such groups' activities abroad. As disorders occurred in Europe in the summer of 1968, the CIA, with concurrence from the FBI, sought to engage European liaison services in monitoring United States citizens overseas in order to produce evidence of foreign guidance, control or financial support.

In mid-1968, the CIA moved to consolidate its efforts concerning foreign connections with domestic dissidence and to restrict further the dissemination of the information used by the Special Operations Group. The Group was given a cryptonym, "CHAOS." The CIA sent cables to all its field stations in July 1968, directing that all information concerning dissident groups be sent through a single restricted channel on an "Eyes Only" basis to the Chief of Operation CHAOS. No other dissemination of the information was to occur.

Some time in 1968, Director Helms, in response to the President's continued concern about student revolutionary movements around the world, commissioned the preparation of a new analytic paper which was eventually entitled "Restless Youth." Like its predecessor, "Restless Youth" concluded that the motivations underlying student radicalism arose from social and political alienation at home and not from conspiratorial activity masterminded from abroad.

"Restless Youth" was produced in two versions. The first version contained a section on domestic involvements, again raising a question as to the propriety of the CIA's having prepared it. This version was delivered initially only to President Johnson and to Walt W. Rostow, the President's Special Assistant for National Security Affairs. Helms' covering memorandum, dated September 4, 1968, stated, "You will, of course, be aware of the peculiar sensitivity which attaches to the fact that CIA has prepared a report on student activities both here and abroad."

Another copy of the first version of "Restless Youth" was delivered on February 18, 1969, after the change in Administrations, to Henry A. Kissinger, then Assistant to President Nixon for National Security Affairs. Director Helms' covering memorandum of February 18 specifically pointed out the impropriety of the CIA's involvement in the study. It stated:

In an effort to round-out our discussion of this subject, we have included a section on American students. This is an area not within the charter of this Agency, so I need not emphasize how extremely sensitive this makes the paper. Should anyone learn of its existence it would prove most embarrassing for all concerned.

A second version of "Restless Youth" with the section on domestic activities deleted was later given a somewhat wider distribution in the intelligence community.

The CHAOS group did not participate in the initial drafting of the "Restless Youth" paper, although it did review the paper at some point before any of its versions were disseminated. Intelligence derived from the paper was, of course, available to the group.

E. The June 1969 White House Demands

On June 20, 1969, Tom Charles Huston, Staff Assistant to President Nixon, wrote to the CIA that the President had directed preparation of a report on foreign communist support of revolutionary protest movements in this country.

Huston suggested that previous reports indicated inadequacy of intelligence collection capabilities within the protest movement area. (Helms testified that this accurately reflected the President's attitude.) According to Huston's letter, the President wanted to know:

- What resources were presently targeted toward monitoring foreign communist support of revolutionary youth activities in this country;
- How effective the resources were;
- What gaps existed because of inadequate resources or low priority of attention; and,
- What steps could be taken to provide maximum possible coverage of the activities.

Huston said that he was particularly interested in the CIA's ability to collect information of this type. A ten-day deadline was set for the CIA's reply.

The Agency responded on June 30, 1969, with a report entitled, "Foreign Communist Support to Revolutionary Protest Movements in the United States." The report concluded that while the communists encouraged such movements through propaganda and exploitation of international conferences, there was very little evidence of communist funding and training of such movements and no evidence of communist direction and control.

The CIA's covering memorandum, which accompanied the June 30 report, pointed out that since the summer of 1967, the Agency had attempted to determine through its sources abroad what significant communist assistance or control was given to domestic revolutionary protests. It stated that close cooperation also existed with the FBI and that "new sources were being sought through independent means." The memorandum also said that the "Katzenbach guidelines" of 1967

had inhibited access to persons who might have information on efforts by communist intelligence services to exploit revolutionary groups in the United States.¹

E. CHAOS in Full-Scale Operation—Mid-1969

By mid-1969, Operation CHAOS took on the organizational form which would continue for the following three years. Its staff had increased to 36. (Eventually it totaled 52.) In June 1969, a Deputy Chief was assigned to the Operation to assist in administrative matters and to assume some of the responsibilities of handling the tightly-held communications. There was a further delegation of responsibility with the appointment of three branch chiefs in the operation.

The increase in size and activity of the Operation was accompanied by further isolation and protective measures. The group had already been physically located in a vaulted basement area, and tighter security measures were adopted in connection with communications of the Operation. These measures were extreme, even by normally strict CIA standards. An exclusive channel for communication with the FBI was also established which severely restricted dissemination both to and from the Bureau of CHAOS-related matters.

On September 6, 1969, Director Helms distributed an internal memorandum to the head of each of the directorates within CIA, instructing that support was to be given to the activities of Operation CHAOS. Both the distribution of the memorandum and the nature of the directives contained in it were most unusual. These served to underscore the importance of its substance.

Helms confirmed in the September 6 memorandum that the CHAOS group had the principal operational responsibilities for conducting the Agency's activities in the "radical milieu." Helms expected that each division of the Agency would cooperate "both in exploiting existing sources and in developing new ones, and that [the Special Operations Group] will have the necessary access to such sources and operational assets."

Helms further stated in the memorandum that he believed the CIA had "the proper approach in discharging this sensitive responsibility while strictly observing the statutory and *de facto* proscription on Agency domestic involvements."

The September 6 memorandum, prepared after discussions with

¹ In 1967 President Johnson appointed a committee including Nicholas Katzenbach, John Gardner, and Richard Helms to investigate charges that the CIA was funding the National Student Association. The charges were substantiated, and the Katzenbach Committee's recommendation that the government refrain from covert financial support of private educational organizations was adopted as government policy.

the Chief of the Operation, among others, served at least three important functions: First, it confirmed, beyond question, the importance which Operation CHAOS had attained in terms of Agency objectives. Second, it replied to dissent which had been voiced within the CIA concerning the Operation. Third, it ensured that CHAOS would receive whatever support it needed, including personnel.

F. Agent Operations Relating to Operation CHAOS

Within a month after Helms' memorandum of September 6, an operations or "case" officer was assigned from another division to Operation CHAOS. The Operation thus gained the capacity to manage its own agents. A full understanding of the Operation's use of agents, however, requires some appreciation of similar proposals previously developed by other components of the CIA.

1. "Project 1"

In February 1968, the CIA's Office of Security and a division in its Plans Directorate jointly drafted a proposal for "Project 1," which was initially entitled "An Effort . . . in Acquiring Assets in the 'Peace' and 'Black Power' Movements in the United States." The project was to involve recruitment of agents who would penetrate some of the prominent dissident groups in the United States and report information on the communications, contacts, travel and plans of individuals or groups having a connection with a certain foreign area. The proposal was rejected by Director Helms in March 1968 on the ground that it "would appear to be" beyond the Agency's jurisdiction and would cause widespread criticism when it became public knowledge, as he believed it eventually would.

Shortly thereafter, the proposed Project was modified to include a prohibition against domestic penetration of dissident groups by agents recruited by CIA. Any contact with domestic groups would be incidental to the overall objective of gaining access overseas to information on foreign contacts and control.

This modification was consistent with Helms' instruction that the Agency was not to engage in domestic operational activity directed against dissident groups. The modified plan was approved by the Deputy Director of Plans, subject to conditions to ensure his tight supervision and control over its activities, but no evidence could be found that the project ever became operational.

The history of Project 1 clearly reflected the CIA's awareness that statutory limitations applied to the use of agents on the domestic

dissident scene. "Penetration" of dissident groups in the United States to gain information on their domestic activities was prohibited.

2. "*Project 2*"

A second program, "Project 2," was initiated in late 1969 by the same office in the CIA's Plans Directorate which had developed Project 1. Under Project 2, individuals without existing dissident affiliation would be recruited and, after recruitment, would acquire the theory and jargon and make acquaintances in the "New Left" while attending school in the United States. Following this "reddening" or "sheepdipping" process (as one CIA officer described it), the agent would be sent to a foreign country on a specific intelligence mission.

Project 2 was approved on April 14, 1970, by the Assistant Deputy Director for Plans, who stated that no Project 2 agent was to be directed to acquire information concerning domestic dissident activities. Only if such information was acquired incidentally by the agents during the domestic "coloration" process would it be passed to Operation CHAOS for forwarding to the FBI.²

Renewals of Project 2 were approved annually during 1971-1973 by the Deputy Director for Plans. The Project was also reviewed and approved in the fall of 1973 by William E. Colby, by then Director of Central Intelligence. In granting his approval on September 5, 1973, Director Colby, in language which paraphrased the original Project 1 guidelines, stated that:

Care will be taken that, during the training period of [Project 2] agents within the United States, they will not be operated by CIA against domestic targets.

During the period 1970-1974 a total of 23 agents were recruited for the project, of which 11 completed the prescribed development process in the United States. Each agent was met and debriefed on a regular schedule in this country by Project 2 case officers. The agents were told repeatedly of the limitations on their activities in the United States.

The Project 2 case officers used debriefing sessions as one method of assessing an agent's effectiveness in reporting facts precisely and accurately, obviously an essential skill to any intelligence agent. "Contact reports" were prepared after the sessions. Although the reports contained a substantial amount of information on agents' observations of domestic activities, no evidence was found that Project 2 itself opened any files based upon any of the information.

² Prior to the April 14 approval of Project 2, Operation CHAOS personnel had requested that a proviso be added to the Project that Operation CHAOS would coordinate Project 2 recruits during the "coloration" process in the United States. The proviso was rejected.

Copies of all contact reports with Project 2 agents, however, were provided to Operation CHAOS, and that Operation made a detailed review of the information contained in the reports. Information on both individuals and activities which was contained in the reports and which was deemed significant by CHAOS was incorporated into the raw data files of the operation and indexed into its computer system. Depending upon the nature of the information, it might eventually be furnished by Operation CHAOS to the FBI.

Thus, while Project 2 agents were not assigned collection missions in the United States, the tandem operation of CHAOS with Project 2 nevertheless did result in collection and dissemination by the CIA of a limited quantity of intelligence on domestic dissident activities. Director Helms testified that he was not aware of this collection and dissemination.

Furthermore, despite efforts by Project 2 case officers to have their agent trainees avoid taking an activist role in domestic dissident groups, that did occur upon occasion. One of the agents became an officer in such a group, and on at least one occasion the agent provided Project 2 with copies of minutes of the group's meetings.

A Project 2 agent also became involved as an adviser in a United States congressional campaign and, for a limited period, furnished reports to CHAOS of behind-the-scenes activities in the campaign.

3. CHAOS Agents

During the first two years of its existence, Operation CHAOS gathered the bulk of its information from reports issued by other governmental agencies or received from CIA field stations abroad.

By October 1969, this approach had changed almost completely. Operation CHAOS' new case officer was beginning to contact, recruit, and run agents directly for the operation. This reversal of approach appears to be attributable primarily to three factors:

—First, and most important, an increasing amount of White House pressure (for example, the June 20, 1969, letter from Tom Charles Huston, Staff Assistant to the President) was brought to bear on the CIA to provide more extensive and detailed reporting on the role of foreign connections with American dissident activities;

—Second, Operation CHAOS had been relatively unsuccessful in obtaining meaningful information through agents associated with other agencies;

—Third, the tempo of dissident activities had increased substantially in the United States.

The extent of CHAOS agent operations was limited to fewer than

30 agents. Although records of the Operation indicate that reporting was received from over 100 other agent sources, those sources appear to have been directed abroad either by other governmental agencies or by other components of the CIA. The information which these sources reported to Operation CHAOS was simply a by-product of other missions.

Operation CHAOS personnel contacted a total of approximately 40 potential agents from October 1969 to July 1972, after which no new agent recruitments were made. (The case officer left the Operation on July 12, 1972.) Approximately one-half of these individuals were referred to the Operation by the FBI, and the remainder were developed through various CIA components.

All contact, briefing and debriefing reports prepared by the case officer concerning all potential and actual agents, from whatever source, became part of the records of the Operation. These reports, often highly detailed, were carefully reviewed by CHAOS personnel; all names, organizations and significant events were then indexed in the Operation's computer. Upon occasion, the information would be passed to the FBI.

The individuals referred to Operation CHAOS by the FBI were past or present FBI informants who either were interested in a foreign assignment or had planned a trip abroad. Eighteen of the referrals were recruited. Only one was used on more than one assignment. In each instance the Operation's case officer briefed the individual on the CHAOS "requirements" before his trip and debriefed him upon his return. After debriefing, the agents once again became the responsibility of the FBI.

In one instance, the FBI turned an individual over to Operation CHAOS for its continued use abroad. Before going overseas, that agent was met by the Operation's case officer on a number of occasions in the United States and did report for several months upon certain domestic contacts.

Seventeen agents were referred to Operation CHAOS by other CIA components. Ten were dropped by the Operation for various reasons after an initial assessment. Four were used for brief trips abroad, with reporting procedures which essentially paralleled those used for the FBI referrals.

The remaining three individuals had an entree into anti-war, radical left, or black militant groups before they were recruited by the Operation. They were used over an extended period abroad, and they were met and debriefed on numerous occasions in the United States.

One of the three agents travelled a substantial distance in late 1969 to participate in and report on major demonstrations then

occurring in one area of the country. The CHAOS case officer met and questioned the agent at length concerning individuals and organizations involved in the demonstrations. Detailed contact reports were prepared after each debriefing session. The contact reports, in turn, provided the basis for 47 separate disseminations to the FBI, the bulk of which related solely to domestic matters and were disseminated under titles such as: "Plans for Future Anti-War Activities on the West Coast."

The second of these agents regularly provided detailed information on the activities and views of high-level leadership in another of the dissident groups within the United States. Although a substantial amount of this agent's reporting concerned the relationship of the dissident group with individuals and organizations abroad, information was also obtained and disseminated on the organization's purely domestic activities.

The third agent was formally recruited in April 1971, having been initially contacted by Operation CHAOS in October 1970. During the intervening months the CIA had asked the agent questions posed by the FBI concerning domestic dissident matters and furnished the responses to the Bureau.

Two days after the official recruitment, the agent was asked to travel to Washington, D.C. to work on an interim basis; the mission was to "get as close as possible" and perhaps become an assistant to certain prominent radical leaders who were coordinators of the imminent "May Day" demonstrations. The agent was to infiltrate any secret groups operating behind the scenes and report on their plans. The agent was also asked to report any information on planned violence toward government officials or buildings or foreign embassies.

This third agent travelled to Washington as requested, and was met two or three times a week by the CHAOS case officer. After each of these meetings, the case officer, in accordance with the standard procedure, prepared contact reports including all information obtained from the agent. These reports, many of which were typed late at night or over weekends, were passed immediately to the Chief of Operation CHAOS. And when the information obtained from the agent was significant, it was immediately passed by the Chief to an FBI representative, generally orally.

The Operation's use of these three agents was contrary to guidelines established after Director Helms rejected the initial proposal for Project 1 in March 1968. Helms testified that he was not aware of the domestic use of these agents.

The Commission found no evidence that any of the agents or CIA officers involved with any of the dissident operations em-

ployed or directed the domestic use of any personal or electronic surveillance, wiretaps or unauthorized entries against any dissident group or individual. Any reporting by CHAOS agents in the United States was based upon information gained as a result of their personal observations and acquaintances.

G. Collection, Indexing, and Filing of Information by Operation CHAOS

The volume of information passing through the CHAOS group by mid-1969 was great. As Director Helms pointed out in his September 6, 1969, memorandum to the Directorates, the Operation's main problem was a backlog of undigested raw information which required analysis and indexing.

Not only was the Agency receiving FBI reports on antiwar activities, but with the rise of international conferences against the war, and student and radical travel abroad, information flowed in from the Agency's overseas stations as well.

The Operation had gathered all the information it could from the Agency's central registry. According to the Chief of the Operation, that information for the most part consisted of raw data gathered on individuals by the FBI which had not been analyzed by the Agency because the information contained nothing of foreign intelligence value.

CHAOS also availed itself of the information gained through the CIA's New York mail intercept. The Operation supplied a watch list of United States citizens to be monitored by the staff of the mail intercept. The number of mail items intercepted and sent to CHAOS during its operation were sufficient in number to have filled two drawers in a filing cabinet. All of these items were letters or similar material between the United States and the Soviet Union.

In addition, Operation CHAOS received materials from an international communications activity of another agency of the government. The Operation furnished a watch list of names to the other agency and received a total of approximately 1100 pages of materials overall. The program to furnish the Operation with these materials was not terminated until CHAOS went out of existence. All such materials were returned to the originating agency by the CIA in November 1974 because a review of the materials had apparently raised a question as to the legality of their being held by CIA. The materials concerned for the most part anti-war activities, travel to international peace conferences and movements of members of various dissident

143

groups. The communications passed between the United States and foreign countries. None was purely domestic.

During one period, Operation CHAOS also appears to have received copies of booking slips for calls made between points in the United States and abroad. The slips did not record the substance of the calls, but rather showed the identities of the caller and the receiver, and the date and time of the call. The slips also indicated whether the call went through.

Most of the officers assigned to the Operation were analysts who read the materials received by it and extracted names and other information for indexing in the computer system used by the Operation and for inclusion in the Operation's many files. It appears that, because of the great volume of materials received by Operation CHAOS and the time pressures on the Operation, little judgment could be, or was, exercised in this process. The absence of such judgment led, in turn, to the inclusion of a substantial amount of data in the records of the Operation having little, if anything, bearing upon its foreign intelligence objective.

The names of all persons mentioned in intelligence source reports received by Operation CHAOS were computer-indexed. The computer printout on a person or organization or subject would contain references to all documents, files or communications traffic where the name appeared. Eventually, approximately 300,000 names of American citizens and organizations were thus stored in the CHAOS computer system.

The computerized information was streamed or categorized on a "need to know" basis, progressing from the least sensitive to the most sensitive. A special computer "password" was required in order to gain access to each stream. (This multistream characteristic of the computer index caused it to be dubbed the "Hydra" system.) The computer system was used much like a library card index to locate intelligence reports stored in the CHAOS library of files.

The files, like the computer index, were also divided into different levels of security. A "201," or personality, file would be opened on an individual when enough information had been collected to warrant a file or when the individual was of interest to another government agency that looked to the CIA for information. The regular 201 file generally contained information such as place of birth, family, occupation and organizational affiliation. In addition, a "sensitive" file might also be maintained on that same person. The sensitive file generally encompassed matters which were potentially embarrassing to the Agency or matters obtained from sources or by methods which the

144

Agency sought to protect. Operation CHAOS also maintained nearly 1000 "subject" files on numerous organizations.³

Random samplings of the Operation's files show that in great part, the files consisted of undigested FBI reports or overt materials such as new clippings on the particular subject.

An extreme example of the extent to which collection could go once a file was opened is contained in the Grove Press, Inc., file. The file apparently was opened because the company had published a book by Kim Philby, the British intelligence officer who turned out to be a Soviet agent. The name Grove Press was thus listed as having intelligence interest, and the CHAOS analysts collected all available information on the company. Grove Press, in its business endeavors, had also produced the sex-oriented motion picture, "I Am Curious Yellow" and so the Operation's analysts dutifully clipped and filmed cinema critics' commentaries upon the film.

From among the 300,000 names in the CHAOS computer index, a total of approximately 7,200 separate personality files were developed on citizens of the United States.

In addition, information of on-going intelligence value was digested in summary memoranda for the internal use of the Operation. Nearly 3,500 such memoranda were developed during the history of CHAOS.

Over 3,000 memoranda on digested information were disseminated, where appropriate, to the FBI. A total of 37 highly sensitive memoranda originated by Operation CHAOS were sent over the signature of the Director of Central Intelligence to the White House, to the Secretary of State, to the Director of the FBI or to the Secret Service.

H. Preparation of Reports for Interagency Groups

Commencing in mid-1970, Operation CHAOS produced reports for the interagency groups discussed in the previous chapter. One such

³ The organizations, to name a few, included :
 Students for a Democratic Society (SDS) ;
 Young Communist Workers Liberation League (YCWLL) ;
 National Mobilization Committee to End the War in Vietnam ;
 Women's Strike for Peace ;
 Freedomways Magazine and Freedomways Associated, Inc. ;
 American Indian Movement (AIM) ;
 Student Non-Violent Coordinating Committee (SNCC) ;
 Draft Resistance Groups (U.S.) ;
 Cross World Books and Periodicals, Inc. ;
 U.S. Committee to Aid the National Liberation Front of South Vietnam ;
 Grove Press, Inc. ;
 Nation of Islam ;
 Youth International Party (YIP) ;
 Women's Liberation Movement ;
 Black Panther Party (BPP) ;
 Venceremos Brigade ;
 Clergy and Laymen Concerned About Vietnam.

report was prepared by the Operation in June 1970. Unlike the June 1969 study, which was limited to CIA sources, the 1970 study took into account all available intelligence sources. In the 1970 analysis, entitled, "Definition of Existing Internal Security Threat—Foreign," the Agency concluded that there was no evidence, based on available information and sources, that foreign governments and intelligence services controlled domestic dissident movements or were then capable of directing the groups. The June 1970 Report was expanded and republished in January 1971. It reached the same conclusions.

I. Relationship of Operation CHAOS to Other CIA Components

Substantial measures were taken from the inception of Operation CHAOS to ensure that it was highly compartmented. Knowledge of its activities was restricted to those individuals who had a definite "need to know" of it.

The two or three week formal training period for the operation's agents was subject to heavy insulation. According to a memorandum in July 1971, such training was to be carried out with "extreme caution" and the number of people who knew of the training was to be kept to "an absolute minimum." The Office of Training was instructed to return all communications relating to training of CHAOS agents to the Operation.

The Operation was isolated or compartmented even within the Counterintelligence Staff which, itself, was already a highly compartmented component of the CIA. The Operation was physically removed from the Counterintelligence Staff. Knowledge within the Counterintelligence Staff of proposed CHAOS operations was restricted to the Chief of the Staff and his immediate assistants.

The Counterintelligence Chief was technically responsible in the chain of command for Operation CHAOS, and requests for budgeting and agent recruitment had to be approved through his office. But the available evidence indicates that the Chief of Counterintelligence had little connection with the actual operations of CHAOS. According to a CIA memorandum in May 1969, Director Helms specifically instructed the Chief of the Operation to refrain from disclosing part of his activities to the Counterintelligence Chief.

The Counterintelligence and the CHAOS Chiefs both agree that, because of the compartmentation and secrecy of CHAOS, the actual supervisory responsibility for the Operation was vested in the Director of Central Intelligence. This was particularly so beginning in mid-

146

1969. In fact, the Chief of CHAOS, later in history of his Operation, sought unsuccessfully to have his office attached directly to that of the Director.

Director Helms testified that he could recall no specific directions he gave to the CHAOS Group Chief to report directly to him. To the contrary, Helms said, he expected the Chief to report to the Chief of Counterintelligence, who in turn would report to the Deputy Director for Plans and then to the Director.

The sensitivity of the Operation was deemed so great that, during one field survey in November 1972 even the staff of the CIA's Inspector General was precluded from reviewing CHAOS files or discussing its specific operations. (This incident, however, led to a review of the Operation by the CIA Executive Director—Comptroller in December 1972.)

On another occasion, an inspection team from the Office of Management and Budget was intentionally not informed of the Operation's activity during an OMB survey of CIA field operations.

There is no indication that the CIA's General Counsel was ever consulted about the propriety of Operation CHAOS activities.

It further appears that, unlike most programs within the CIA clandestine service, Operation CHAOS was not subjected to an annual review and approval procedure. Nor does there appear to have been any formal review of the Operation's annual budget. Such review as occurred seems to have been limited to requests for authority to assess or recruit an American citizen as an agent.

The result of the compartmentation, secrecy and isolation which did occur seems clear now. The Operation was not effectively supervised and reviewed by anyone in the CIA who was not operationally involved in it.

Witnesses testified consistently that the extreme secrecy and security measures of Operation CHAOS derived from two considerations: First, the Operation sought to protect the privacy of the American citizens whose names appeared in its files by restricting access to those names as severely as possible. Second, CHAOS personnel were concerned that the operation would be misunderstood by others within the CIA if they learned only bits of information concerning it without being briefed on the entire project.

It is safe to say that the CIA's top leadership wished to avoid even the appearance of participation in internal security matters and were cognizant that the Operation, at least in part, was close to being a proscribed activity and would generate adverse public reaction if revealed.

Despite the substantial efforts to maintain the secrecy of Operation CHAOS, over six hundred persons within the CIA were formally

briefed on the Operation. A considerable number of CIA officers had to know of the Operation in order to handle its cable traffic abroad.

Enough information concerning CHAOS was known within the CIA so that a middle level management group of 14 officers (organized to discuss and develop possible solutions to various CIA problems) was in a position to write two memoranda in 1971 raising questions as to the propriety of the project. Although only one of the authors had been briefed on CHAOS activities, several others in the group apparently had enough knowledge of it to concur in the preparation of the memoranda.

Opposition to, or at least skepticism about, the CHAOS activities was also expressed by senior officers in the field and at headquarters. Some area division chiefs were unwilling to share the authority for collection of intelligence from their areas with the Operation and were reluctant to turn over the information for exclusive handling and processing by the Operation. When CHAOS undertook the placement of agents in the field, some operations people resented this intrusion by a staff organization into their jurisdiction.

In addition, some of the negativism toward CHAOS was expressed on philosophic grounds. One witness, for example, described the attitude of his division toward the Operation as "total negativeness." A May 1971 memorandum confirms that this division wanted "nothing to do" with CHAOS. This was principally because the division personnel thought that the domestic activities of the Operation were more properly the function of the FBI. As a result, this division supplied the Operation with only a single lead to a potential agent, and its personnel has little to do with the on-going CHAOS activities.

Apparently the feelings against Operation CHAOS were strong enough that Director Helms' September 6, 1969 memorandum was required to support the Operation. That memorandum, sent to all deputy directors in the CIA, assured them that the Operation was within the statutory authority of the Agency, and directed their support.

Director Helms' attitude toward the views of some CIA officers toward Operation CHAOS was further summarized in a memorandum for the record on December 5, 1972, which stated:

CHAOS is a legitimate counterintelligence function of the Agency and cannot be stopped simply because some members of the organization do not like this activity.

J. Winding Down Operation CHAOS

By 1972, with the ending of the American involvement in the Vietnam War and the subsequent lower level of protest activities at

home, the activities of Operation CHAOS began to lag. The communications traffic decreased, and official apprehension about foreign influence also abated. By mid-1972, the Special Operations Group began to shift its attention to other foreign intelligence matters.

At the end of August 1973, William E. Colby, the new CIA Director, in memoranda dealing with various "questionable" activities by the Agency, ordered all its directorates to take specific action to ensure that CIA activities remained within the Agency's legislative authority. In one such memorandum, the Director stated that Operation CHAOS was to be "restricted to the collection abroad of information on foreign activities related to domestic matters. Further, the CIA will focus clearly on the foreign organizations and individuals involved and only incidentally on their American contacts."

The Colby memorandum also specified that the CIA was not to be directly engaged in surveillance or other action against an American abroad and could act only as a communications channel between the FBI and foreign services, thus altering the policy in this regard set in 1968 and reaffirmed in 1969 by Director Helms.

By August 1973, when the foregoing Colby memorandum was written, the paper trail left by Operation CHAOS included somewhere in the area of 13,000 files on subjects and individuals (including approximately 7,200 personality or "201" files);⁴ over 11,000 memoranda, reports and letters from the FBI; over 3,000 disseminations to the FBI; and almost 3,500 memoranda for internal use by the Operation. In addition, the CHAOS group had generated, or caused the generation of, over 12,000 cables of various types, as well as a handful of memoranda to high-level government officials.

On top of this veritable mountain of material was a computer system containing an index of over 300,000 names and organizations which, with few exceptions, were of United States citizens and organizations apparently unconnected with espionage.

K. Operation CHAOS Terminated

On March 15, 1974, the Agency terminated Operation CHAOS. Directions were issued to all CIA field stations that, as a matter of future policy, when information was uncovered as a byproduct of a foreign intelligence activity indicating that a United States citizen abroad was suspect for security or counterintelligence reasons, the information was to be reported to the FBI.

⁴ A CIA statistical evaluation of the files indicates that nearly 65 percent of them were opened to handle FBI information or FBI requests.

According to the CHAOS termination cable, no unilateral action against the suspect was to be taken by the CIA without the specific direction of the Deputy Director for Operations and only after receipt of a written request from the FBI and with the knowledge of the Director of Central Intelligence.

The files and computerized index are still intact and are being held by the Agency pending completion of the current investigations. According to the group chief who is custodian of the files, many of the files have little, if any, value to ongoing intelligence operations. The CIA has made an examination of each of the CHAOS personality files and has categorized those portions which should be eliminated. Final disposition of those files, as noted, awaits the completion of the current investigations.

Conclusions

Some domestic activities of Operation CHAOS unlawfully exceeded the CIA's statutory authority, even though the declared mission of gathering intelligence abroad as to foreign influence on domestic dissident activities was proper.

Most significantly, the Operation became a repository for large quantities of information on the domestic activities of American citizens. This information was derived principally from FBI reports or from overt sources and not from clandestine collection by the CIA. Much of the information was not directly related to the question of the existence of foreign connections with domestic dissidence.

It was probably necessary for the CIA to accumulate an information base on domestic dissident activities in order to assess fairly whether the activities had foreign connections. The FBI would collect information but would not evaluate it. But the accumulation of domestic data in the Operation exceeded what was reasonably required to make such an assessment and was thus improper.

The use of agents of the Operation on three occasions to gather information within the United States on strictly domestic matters was beyond the CIA's authority. In addition the intelligence disseminations and those portions of a major study prepared by the Agency which dealt with purely domestic matters were improper.

The isolation of Operation CHAOS within the CIA and its independence from supervision by the regular chain of command within the clandestine service made it possible for the activities of the Operation to stray over the bounds of the Agency's authority without the knowledge of senior officials. The absence of any regular review of these activities prevented timely correction of such missteps as did occur.

Recommendation (5)

- a. Presidents should refrain from directing the CIA to perform what are essentially internal security tasks.
- b. The CIA should resist any efforts, whatever their origin, to involve it again in such improper activities.
- c. The Agency should guard against allowing any component (like the Special Operations Group) to become so self-contained and isolated from top leadership that regular supervision and review are lost.
- d. The files of the CHAOS project which have no foreign intelligence value should be destroyed by the Agency at the conclusion of the current congressional investigations, or as soon thereafter as permitted by law.

CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

FOR RELEASE ON RECEIPT

8 July 1975

STATEMENT

Office of the Assistant to the Director
(703) 351-7676
(703) 687-6931 (night)

The Director of Central Intelligence, with the approval of the President, is today releasing the Director's report of 24 December 1974 to the President, including the annexes, covering matters related to the New York Times article of 22 December alleging CIA involvement in a massive illegal domestic intelligence effort. This release is a follow-on to the decision to release the Rockefeller Commission report in view of the public interest in this matter.

The report is released without alteration, as is Annex F, a "Memorandum for All CIA Employees," of 9 May 1973, both of which were and are unclassified. Several other annexes have been declassified. Unclassified versions of all other annexes have been substituted for the originals by deleting classified portions from the original versions. Each such newly prepared version is so identified by an appropriate notation. Bracketed spaces indicate the size and location of all deletions. No textual changes have been made in the report itself or in any of the annexes.

It is to be emphasized that the report was prepared on an urgent basis and forwarded to the White House on 24 December. Continuing review of the topics covered in the report has resulted in some corrections in Director Colby's subsequent discussions with the President, the Director's testimony given the Rockefeller Commission, and in his various statements to congressional committees in the intervening months.

Regarding the memorandum entitled "Influencing Human Behavior" attached to Annex I of the report, it should be noted that no such drug or experimental activities are currently conducted and the Director has approved none.



CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

December 24, 1974

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

This report is in response to your request for my comments on The New York Times article of December 22nd alleging CIA involvement in a "massive" domestic intelligence effort. While CIA has made certain errors, it is not accurate to characterize it as having engaged in "massive domestic intelligence activity."

The National Security Act of 1947 states that CIA shall have no "police, subpoena, law-enforcement powers, or internal security functions." The Agency's functions thus relate solely to foreign intelligence, as stated in National Security Council Intelligence Directive No. 5. This provides that CIA shall, inter alia, conduct clandestine counterintelligence outside the United States and its possessions. Under this charge, CIA for many years has maintained liaison with the intelligence and security services of other nations and has conducted independent counterintelligence activities abroad. Whenever such matters relate to the internal security of the United States, information derived from such operations is passed to the Federal Bureau of Investigation and other Departments or Agencies of the Government when appropriate. In addition, CIA has responded to requests from the Federal Bureau of Investigation, and on occasion other Departments, for counterintelligence work abroad.

In 1967, when concern grew in the United States Government over domestic dissidence, questions were raised as to whether there might be stimulation or support of such activity from outside the United States. As a result, the Director of Central Intelligence on 15 August established within the CIA counterintelligence office a program to identify possible foreign links with American dissident elements (Annex A). Later that same year, this became a part of an interagency program (Annex B). In November 1967, the Agency produced a study, International Connections of US Peace Groups, in response to a request by the President. In late 1967 or early 1968 the Assistant to the President for National Security Affairs

requested an assessment of possible foreign links with American dissident student groups (SDS). In mid-1968 the Agency produced an assessment of youth movements throughout the world, including a section analyzing the American scene to complete the picture. This study concluded that: "There is no convincing evidence of control, manipulation, sponsorship, or significant financial support of student dissidents by any international Communist authority."

In September 1969 the Director reviewed the counter-intelligence program and stated that he believed it to be proper, "while strictly observing the statutory and de facto proscriptions on Agency domestic involvements" (Annex C).

In 1970, in the so-called Huston Plan, the Directors of the FBI, DIA, NSA, and CIA signed a report to the President recommending an integrated approach to the coverage of domestic unrest. While not explicit in the Plan, CIA's role would have been to contribute foreign intelligence and counterintelligence. The Huston Plan itself was not implemented but was followed by the establishment on 3 December 1970 of the Interagency Evaluation Committee which was coordinated by the Counsel to the President, Mr. John Dean. This committee was chaired by a Department of Justice officer, Mr. Robert Mardian, and included representatives from CIA, FBI, DOD, State, Treasury, and NSA. Pursuant to this Government-wide effort, CIA continued its counterintelligence interest in possible foreign links with American dissidents. A full description of the CIA project, prepared on 1 June 1972, is attached (Annex D).

Because of CIA's effort during these years, some CIA employees, not directly involved in the program, misinterpreted it as being more focused on American dissidents than on their possible connections with foreign governments. In addition, however, there were individual cases in which actions were taken which overstepped proper bounds. For example, the Agency recruited or inserted individuals into American dissident circles to establish their credentials for operations abroad against those foreign elements which might be supporting, encouraging, or directing dissidence in the United States. In the course of their preparatory work or on completion of a phase of their mission abroad, these individuals reported on the activities of the American dissidents with whom they came in contact. Significant information thereby derived was reported to the FBI, but in the process CIA files were established on the individuals named.

In 1972, with the approval of the Director, the Executive Director issued an internal memorandum to senior CIA officials describing the program in order to clarify its scope and to invite reports of any departures from its policy:

"To carry out its responsibilities for counter-intelligence, CIA is interested in the activities of foreign nations or intelligence services aimed at the U.S. To the extent that these activities lie outside the U.S., including activities aimed at the U.S. utilizing U.S. citizens or others, they fall within CIA's responsibilities. Responsibility for coverage of the activities within the U.S. lies with the FBI, as an internal security function. CIA's responsibility and authority are limited to the foreign intelligence aspect of the problem, and any action of a law enforcement or internal security nature lies with the FBI or local police forces."

(Annex E)

On 9 May 1973, the Director issued a bulletin to all employees requesting them to report any indication of any activity they believed might be outside CIA's charter (Annex F). Responses from some employees referred to the counterintelligence program. As a result, on 29 August 1973 the Director issued specific direction to the managers of the program re-emphasizing that the focus of the program was to be clearly on the foreign organizations and individuals involved in links with American dissidents and only incidentally on the American contacts involved (Annex G).

In March 1974 the Director terminated the program and issued specific guidance that any collection of counter-intelligence information on Americans would only take place abroad and would be initiated only in response to requests from the FBI or in coordination with it; furthermore, any such information obtained as a by-product of foreign intelligence activities would be reported to the FBI (Annex H).

In the course of this program, files were developed on American citizens. The total index of these Americans amounts to 9,944 counterintelligence files. Approximately two-thirds of these consisted of the by-product coverage of the activities outlined above or stemmed from specific requests from the FBI for information on the activities of Americans abroad. One-third consisted of FBI reports on American Communists. We have for the past several months been in the process of

eliminating material not justified by CIA's counterintelligence responsibilities, and about 1,000 such files have been removed from the active index but not destroyed.

Aside from our Congressional liaison working records, we hold files on fourteen past and present Members of Congress. These were opened prior to their election to office and were caused either by the process of clearing them for work with the Agency or because we were interested in them for foreign intelligence purposes. There is no, and to my knowledge never has been any, surveillance--technical or otherwise--of any Members of Congress.

The New York Times articles makes a number of specific allegations of improper activity domestically by CIA and relates these to the above program. In the 1973 compilation by the Agency of all activities which might be questionable, a number of items were raised which were not related to that program. The Agency's action in most of these cases was founded upon the section of the National Security Act of 1947 which provides that the Director of Central Intelligence is responsible for protecting intelligence sources and methods from unauthorized disclosure. Over the many years in which CIA has been operating, some actions have been taken which were improper extensions of the charge contained in this language. Apparently The New York Times reporter learned of some of these items and erroneously associated them with the above program. Examples include:

a. Unauthorized entry of the premises of three individuals, a defector and two former employees, to determine whether they had classified documents, and in one case to recover them (in 1966, 1970 and 1971). Two of these incidents involved breaking and entering.

b. Electronic surveillance (telephone tap) of two newspaper reporters (1963) and physical surveillance of five reporters (in 1971 and 1972) to determine the sources of classified information published by them. Similar physical surveillance of three ex-employees of the CIA who were suspected of unauthorized possession of classified documents (1969, 1971, and 1972).

c. Development of paid informants among construction workers at the time of construction of the Agency building (1960-1961) to protect against the placement of electronic taps therein.

d. During the period 1967-1971, agents were also developed to monitor dissident groups in the Washington area considered to be potential threats to Agency personnel and installations, and Agency security field officers in the US also collected information on similar dissident groups, to advise the Agency of potential threats to its personnel and installations.

e. A list of individuals suspected of particular offenses considered to pose a security vulnerability was collected over a number of years prior to 1973. This practice was terminated and the file destroyed in 1973.

f. From May-September 1971 a long-time CIA source was under surveillance in the US in connection with a reported plot to assassinate or kidnap Vice President Agnew and the DCI. The individual covered was a Latin American revolutionary, but the surveillance expanded to cover several American citizen contacts in New York and Detroit.

A final category of questionable activity identified during the 1973 survey was related to the Agency's mission to collect foreign intelligence. In some cases the Agency exceeded proper bounds or its activities were subject to misconstruction as being aimed at purposes outside its charter. The following examples, for instance, may be related to the charges made in The New York Times article, although they have no connection with the program first discussed above:

a. Records were made of the identities and addresses of individuals exchanging correspondence between the United States and certain communist countries, as an aid to determining possible leads to potential operations. This program included the surreptitious opening of certain first-class mail to extract positive intelligence or data valuable for the development of foreign intelligence operations against the communist country. This program was initiated in 1953, and from its inception was fully coordinated with the FBI, which received much of its product. The operation was approved by three Postmasters General and one Attorney General. The program was terminated in 1973. ✓

b. We obtained names and addresses of persons telephoning a communist country so that we could follow up for possible operational leads.

c. Individuals were recruited or inserted into dissident groups in the US to establish their credentials to collect foreign intelligence overseas. By-product information reflecting planned violence or similar activity was passed to the FBI.

The items listed above are those questionable activities relating to matters covered in The New York Times article. Obviously, I am prepared to brief you fully on such matters, as I did the Chairmen of the Congressional Armed Services Committees.

Following our identification of all these matters in 1973, I issued detailed and specific instructions dealing with each activity. Some were terminated; others were continued but only as fully authorized by our statute and in accordance with law (Annex I).

The New York Times article also states that I am considering the possibility of asking the Attorney General to institute legal action against some of those who had been involved in these activities. I have conferred with the Acting Attorney General, Mr. Silberman, as to my responsibilities with respect to evidence relating to possible illegal activities by Agency personnel. On December 21st I agreed with him that I would review the questionable activities noted in this letter and others to determine whether these should be brought to his attention for legal review. I will certainly keep you advised of any such action.

As I stated to you on the telephone, Mr. President, you have my full assurance that the Agency is not conducting activities comparable to those alleged in The New York Times article. Even in the past, I believe the Agency essentially conformed to its mission of foreign intelligence. There were occasions over the years in which improper actions were taken as noted above, but I believe these were few, were quite exceptional to the thrust of the Agency's activities, and have been fully terminated. Agency personnel are instructed each year to advise me of any activity they consider questionable, and I am resolved to follow your directive that no improper activity be conducted by this Agency.

Respectfully,

W.E. Colby

W. E. Colby
Director.

ANNEX A

[This is an unclassified version of the original memorandum. The only difference between this and the classified original is that the names of two CIA officers are omitted from this version.]

15 August 1967

MEMORANDUM FOR: Chief, CI Staff

SUBJECT : Overseas Coverage of Subversive Student
and Related Activities

1. Further to our discussion with the Director this morning, please take the steps necessary to accomplish the following:

a. Designation of the officers in the CI Staff who will be the responsible focal points and coordinators of operational activity in this matter. (Harry Rositzke and Dick Ober appear to be excellent candidates, as you suggested.)

b. The exclusive briefing of specific division chiefs and certain selected officers in each division, on the aims and objectives of this intelligence collection program with definite domestic counterintelligence aspects.

c. The establishment of some sort of system by one of the CI Staff officers (or whatever officer you select) for the orderly coordination of the operations to be conducted, with the responsibility for the actual conduct of the operations vested in the specific area divisions.

d. The identification of a limited dissemination procedure which will afford these activities high operational security while at the same time getting the information to the appropriate departments and agencies which have the responsibility domestically.

e. The establishment of a periodic reporting system, preferably monthly, to gauge progress in the enterprise.

2. The officer you select for the operational end of this will have a few leads to start with. He should confer with Mr. [redacted] for a couple of leads and with Mr. [redacted] for a follow-up on some ideas that he has. Your suggestion of this morning, that some of our liaison may be helpful in this, certainly should be pursued energetically but carefully. One of the CI Staff officers, or whoever you select, should feel free to seek the assistance of the FI Staff as he requires this to run down leads or otherwise to do his job. It may be well to assign a cryptonym to the effort, so that cable traffic can be suitably handled on a limited basis.

3. I should appreciate some sort of interim report by 31 August on the steps we have taken to get into position to move on this program.

/initials/

Thomas H. Karamessines
Deputy Director for Plans

cc: ADD/P
C/FI

ANNEX B

[This is a cable of 3 November 1967 from CIA Headquarters to CIA addressees abroad. Certain deletions were necessary to permit production of this unclassified version.]

[

]

1. HDQ IS PARTICIPATING IN HIGH LEVEL INTERDEPARTMENTAL SURVEY OF INTERNATIONAL CONNECTIONS OF ANTI-VIETNAM WAR MOVEMENT IN U.S. FOR PURPOSES OF THIS STUDY WE ARE ATTEMPTING TO ESTABLISH NATURE AND EXTENT OF ILLEGAL AND SUBVERSIVE CONNECTIONS THAT MAY EXIST BETWEEN U.S. ORGANIZATIONS OR ACTIVISTS INVOLVED AND COMMUNIST, COMMUNIST FRONT OR OTHER ANTI-AMERICAN AND FOREIGN ELEMENTS ABROAD. SUCH CONNECTIONS MIGHT RANGE FROM CASUAL CONTACTS BASED MERELY ON MUTUAL INTEREST TO CLOSELY CONTROLLED CHANNELS FOR PARTY DIRECTIVES.

[

]

[]
2. INFORMATION COLLECTED BY OTHER AGENCIES IS BEING TAPPED
HERE IN ADDITION TO OUR OWN FILES TO SUPPLEMENT THIS DATA, PARTICULARLY ON RECENT ACTIVITY RELATED TO 15-21 OCT. DEMONSTRATIONS.
WE NEED CURRENT CHECK ON STATION HOLDINGS. ADDRESSEES ARE REQUESTED TO CANVASS INFO ON FILE OR OTHERWISE READILY AVAILABLE, AND CABLE SUMMARY OF FINDINGS PLUS ANY COMMENTS STATIONS BELIEVE RELEVANT.
COVERAGE SHOULD BE LIMITED TO EVIDENCE OF CONTACTS BETWEEN ELEMENTS OF U.S. PEACE MOVEMENT AND FOREIGN GROUPS OR INDIVIDUALS. VIETNAM PROTEST ACTIVITY IN YOUR AREAS SHOULD BE REPORTED ONLY INSOFAR AS DIRECT CONNECTION WITH U.S. ORGANIZATIONS OR CITIZENS IS INVOLVED. WHERE CONNECTION IS EVIDENT, ADDRESSEES SHOULD TRY TO SHOW OR ESTIMATE WHETHER ACTIVITY IS LOCALLY INSPIRED OR IS EXTERNALLY DIRECTED.

3. VIEW SENSITIVITY THIS MATTER, PLEASE DO NOT DISCUSS WITH
NON [] PERSONNEL. THESE REPLIES SHOULD BE SLUGGED
[] ONLY. SHOULD NOT BE DISSIMINATED LOCALLY OR LATERALLY.
APPRECIATE THIS IS SHORT NOTICE, BUT NEED REPLY BY 7 NOV.

END OF MESSAGE

[]

]

6 September 1969

MEMORANDUM FOR: Deputy Director for Plans
Deputy Director for Intelligence
Deputy Director for Support
Deputy Director for Science and Technology

1. I recently have reviewed the Agency's efforts to monitor those international activities of radicals and black militants which may affect the national security. I believe that we have the proper approach in discharging this sensitive responsibility, while strictly observing (sic) the statutory and de facto proscriptions on Agency domestic involvements.

2. My understanding is that OCI carries this responsibility in the Intelligence Directorate, and that arrangements have been made in each geographic division to ensure continuing coverage of pertinent activities and systematic compilation of useful information. Mr. Corscadden's reassignment removes from the scene an experienced and knowledgeable analyst of these matters, and it is my hope that a suitable replacement will be found and developed.

3. I appreciate that there are several components in the Clandestine Service with a legitimate operational interest in the radical milieux. At the same time, it should be understood that Mr. Ober's Special Operations Group of CI Staff has the principal operational responsibility for coordinating and developing operations to collect information on aspects of activities abroad which have a direct bearing on U.S. radical and black militant movements. I expect that area divisions and senior staffs will be fully cooperative in this effort, both in exploiting existing sources and in developing new ones, and that Mr. Ober will have the necessary access to such sources and operational assets.

4. It is most important to ensure that Mr. Ober's Group has a small coterie of knowledgeable, effective officers. He needs two kinds of people: skilled analysts who can produce written material coherently and quickly, and experienced operations officers, ideally with a demonstrated ability to work in this sensitive area. If the right people are scarce and already ensconced in other activities, a select few nonetheless ought to be broken away for assignment to CI Staff.

5. A formidable obstacle to Mr. Ober at present is the backlog of undigested raw information at his disposal. In addition to assigning skilled analysts to deal with the flow of information, there is an obvious need for introducing expanded, sophisticated computer support. I understand that the Office of Computer Service possesses on-line capabilities and other facilities which not only would provide vastly improved information storage and retrieval but also affords the possibility of a data link with certain other elements of the security community. I would urge the earliest utilization of this capability. A rational combination of able officers and computers ought also to foster the twin virtues of holding Mr. Ober to an acceptable level and minimizing the number of individuals with access to sensitive intelligence and operational information.

6. It is also important to ensure that a cooperative and supportive relationship exists between the Office of Security and Mr. Ober's Group. I expect that information collected by the Office of Security as part of its normal security mission; but which has a bearing on the targets of the Group, will be provided to the Group. Office of Security checks with other domestic repositories of information, involving targets of interest to the Group, should be closely coordinated with it.

/initials/

Richard Helms
Director

ANNEX D

1 June 1972

BRIEFING PAPERS

SPECIAL OPERATIONS GROUP, COUNTER INTELLIGENCE STAFF

- I. Program Objectives
- II. Program Interagency Relationships
- III. Operational Program
- IV. Program Manpower Resource Requirements

1 June 1972

Program Objectives
Special Operations Group, Counter Intelligence Staff

The Special Operations Group is responsible for managing and implementing the Agency program for collection and dissemination of information on the countersubversive aspect of counterintelligence. This responsibility includes:

A. Collection: Clandestine collection abroad of information on foreign[

efforts to support/encourage/exploit domestic extremism and dissidence in the United States. These efforts include funding, training, propaganda, provision of safe haven, provision of alias documentation, etc. The collection emphasis is on foreign involvement, whether directly or by indirect third national leftist groups or individuals. Principal concern is for coverage of foreign involvement in the extremist anitwar movement, extremist student/youth/faculty groups, black extremism, Chicano extremism, Puerto Rican extremism, deserter/evader support and inducement, and international aspects of domestic underground media.]

B. Dissemination: Information on the above subject, collected by all elements of this Agency, including the Clandestine Service, the Office of Communications, the Foreign Broadcast Information Service, and the Domestic Contact Service, is disseminated as obtained via special reports series. The bulk of the disseminations are to the Federal Bureau of Investigation but disseminations are also made to other agencies, including the White House as appropriate.

C. Data Base Maintenance: Since all cable and dispatch correspondence in relation to the program is compartmented for reasons of operational security and sensitivity, and is not processed by either the Cable Secretariat or the Information Services Division (ISD) of the Clandestine Service, a complex, highly sophisticated system is utilized for the control and retrieval of this information. (An additional reason for the need for such a system is the receipt of a large volume of reporting from the Federal Bureau of Investigation which requires detailed retrieval capability for pertinent names cited, and which would not otherwise be retrievable under existing ISD procedures.) The control and retrieval system has an on-line remote query and remote input capability and is linked to an IBM 360/67 computer of the Office of Computer Services. Hardware involved includes nine IBM 2260 Cathode Ray Tube Terminals, five IBM 2741 Typewriter Terminals, one Data 100 Offline Printer, and one Data 100 Card Reader.

D. Production: In addition to disseminating pertinent information as collected, the Agency is responsible for preparation and provision of special reports, studies, and estimates on the sub-paragraph A above subject, in response to requirements levied upon it by other elements of the Government. To maximize compartmentation, such special studies, reports, or estimates are prepared by the Special Operations Group, rather than the DDI, utilizing either all information available to the Agency or all information available to the Government, depending upon the nature and scope of the particular requirement.

[This is an unclassified version of the original memorandum. A minor deletion was necessary to permit the production of the unclassified version.]

1 June 1972

Program Interagency Relationships
Special Operations Group, Counter Intelligence Staff

Implementation of the Agency's program for collection and dissemination of information on foreign exploitation of domestic dissidence and extremism involves a complex series of interagency relationships. These fall into the following categories: operational; dissemination of information; and provision of special studies, reports, and estimates.

A. Operational: Despite the disruption of liaison between the Agency and the Federal Bureau of Investigation in the Spring of 1970, the FBI has cooperated operationally with the Special Operations Group along three lines:

1. Exploitation of FBI Sources Abroad: Most common (about 18 cases since January 1971) has been participation by the Special Operations Group in the briefing and debriefing of FBI New Left and racial extremist sources who travel abroad as part of their undercover activities. Some such travel (five cases, not included in the preceding figure) has even been arranged to meet Special Operations Group needs. [

]

2. Provision of Sources by the FBI: In a few cases, either in response to a specific request for a specific type of source for long-term use abroad by the Agency, or because an FBI informant who has done a good job for the FBI and who wants to work abroad has asked for it, the FBI had made available FBI sources in this country for turnover to the Agency and use abroad. There are three such sources now active abroad under Agency control and direction.

3. Provision of Informant Leads to the FBI: As a converse of sub-paragraph 2 above, the Agency on occasion has provided the FBI with leads on possible informants in the United States on extremist and dissident activity. Such leads arise from efforts

to spot and recruit assets suitable for dispatch abroad against targets of this program.

B. Dissemination of Information: Pertinent information is disseminated as collected in response to general standing requirements of the Federal Bureau of Investigation, the Secret Service, and the Immigration and Naturalization Service. Most of this information goes only to the FBI. Roughly 20 to 25 percent of that is responsive to specific FBI requirements. The Special Operations Group evaluates its disseminated product by regularly checking with the FBI on its adequacy and relevance. Counterintelligence of exceptional importance is disseminated over the signature of the Director of CIA and is sent, as appropriate, to the White House, the Secretary of State, the Attorney General and the Director, Federal Bureau of Investigation. The principal White House addressee is the Counsel to the President who has special cognizance over domestic affairs; when appropriate, the information is also sent to the Assistant to the President for National Security Affairs.

C. Provision of Special Studies, Reports, and Estimates: In the earlier phase of the program, special studies and estimates were requested by and prepared for the President, his Counsel, and/or the Attorney General. Since mid-1970 such special reports and estimates have been prepared for a highly sensitive interagency committee physically located within the Department of Justice and working on behalf of the White House. This is the Intelligence Evaluation Committee, composed of representatives of the Federal Bureau of Investigation, the Department of Justice, the Secret Service (on behalf of the Treasury Department), the Department of Defense, the National Security Agency, and the Central Intelligence Agency. The primary function of the Committee is the evaluation of domestic intelligence for agreed-on national estimates, and the levying of collection requirements related thereto. The CIA contributions are limited to the foreign aspects. The Chief of the Special Operations Group serves as the representative for the Agency on the Intelligence Evaluation Committee Staff, and as the alternate to the Agency representative in the Committee (who is the Chief, Counter Intelligence Staff).

Note: Special Problem: There is no written agreement governing the activities of FBI Legal Attachés abroad in dealing with foreign liaison services on collection of information on foreign exploitation of domestic U.S. dissidence and extremism. The DCI has enunciated a policy that the Agency is the action instrumentality of the U.S. Government in this field with foreign liaison services. In actual practice, the FBI levies pertinent requirements directly

upon its own Legal Attaches and may or may not come to the Agency for assistance. An informal, usually followed, agreement has been reached, under which the Agency handles FBI requirements in this field (a) in countries where there is no Legal Attache, and (b) in situations in which several countries are involved (including countries in which there is a Legal Attache). Unilateral collection effort is requested of the Agency, however, whether or not there is a Legal Attache.

[This is an unclassified version of the original memorandum. Certain deletions were necessary to permit the production of this unclassified version.]

1 June 1972

Operational Program
Special Operations Group, Counter Intelligence Staff

To accomplish its objectives, the Special Operations Group seeks to achieve the maximum feasible utilization of existing resources of the Clandestine Services. Few assets have been recruited and are being run exclusively for this program. Instead, emphasis has been placed on the exploitation of new and old Agency assets who have a by-product capability or a concurrent capability for provision of information responsive to the program's requirements. This involves close continuing liaison with briefed officers in all area divisions and the Soviet Bloc Division; and provision of custom-tailored collection requirements and operational guidance. Where special targets exist, a few agents asset have been specially recruited and deployed against them. [

]

[

]

[

]

Because of the emphasis on exploitation of existing assets to the extent feasible and of liaison service capabilities where appropriate, this has been and continues to be a low-cost collection program, particularly in relation to the total number of assets involved and the production therefrom. At present, operational expenses directly chargeable to the program are limited to eight approved operational projects [

] . The major costs of the program are the salaries of the Special Operations Group personnel and the computer-associated data base maintenance costs. These Headquarters resource requirements are covered in a separate memorandum.

The following statistics are a rough index of the extent of effort involved in the collection and related dissemination program. They show how much is being done with a relatively small resource input. The statistics apply to cables and dispatches sent or received through special handling channels for the exclusive action of the Special Operations Group; to the dissemination prepared and distributed by the Group; and to the number of FBI reports received by the Group for operational support and data base maintenance purposes.

	1970	1971	Jan-June 1972
Cables In	2593	2190	1073
Cables Out	2114	2217	1076
Dispatches In	1016	1033	355
Dispatches Out	347	315	99
Disseminations (Regular)	746	711	307
Disseminations (Special memos, studies, estimates)	14	37	24
Incoming FBI Reports	10,486	10,110	3,043

1 June 1972

Program Manpower Resource Requirements
Special Operations Group, Counter Intelligence Staff

The program of the Special Operations Group originated in instructions of the Deputy Director for Plans on 15 August 1967, based on instructions to him by the Director, Central Intelligence Agency. These instructions were to establish a program for collection and dissemination of information on foreign involvement in domestic extremism and dissidence; and to maintain an adequate supporting data base, including full control of pertinent related information received from the Federal Bureau of Investigation. The program started with one officer and one IA, building strength gradually as personnel could be obtained.

The first formal strength authorization was provided in mid-1969 when a total of 36 positions was authorized with the understanding that, if this should prove insufficient, additional personnel would be authorized. (The Chief of the Special Operations Group estimated that a force of about 60 would be required as a minimum to fully implement the required program.)

To facilitate a rapid qualitative buildup of the program, a memorandum was sent in September 1969 by the DCI to each of the Agency Directorates requesting full support to the program; i.e., especially by the Office of Security and Office of Communications in the Support Directorate; by the Foreign Broadcast Information Service and the Domestic Contact Service in the Intelligence Directorate; by the Office of Computer Services in the Scientific and Technical Directorate; and by all pertinent elements in the Plans Directorate. As part of the buildup of the Special Operations Group, several key personnel assignments were made in mid and late 1969; i.e., three branch chiefs and a deputy chief.

By mid-1970 the authorized strength of 36 had been achieved and was inadequate for the workload, despite the use of a very large amount of overtime.

As a result, the question of overall strength was reviewed and a decision made in late Spring of 1971 that an additional 18 positions would be authorized for the Special Operations Group for fiscal year 1972. Due to the lack of an effective directed assignment system, the Group has been unable to date to build up to its authorized strength (and still is short of the space needed to accommodate that strength).

As of 2 June 1972, the Group has an on-board strength of 42, with two additional officers scheduled to report by early July. Four Group officers, however, are scheduled for transfer out by mid-July. The group thus needs not only to complete its buildup to authorized strength by filling existing vacancies, but also to obtain replacements for officers still in the Group whose tours with the Group either are already over or are close to their end. The early satisfaction of these personnel requirements is essential to bring a halt to the physical drain on the health of the Group's officers trying to keep up with the enormous continuing volume of

work. The Group has been staffed to date primarily by junior officers who are bright and hard-working but who require relatively close supervision because of lack of prior experience. The management span of the senior officers is thus larger than desirable; additional middle grade, experienced officers are required. Replacement of officers at or near the end of their tour of duty is also required to maintain a concept of rotation-tour-staffing which has proven the only effective means of attracting qualified, experienced personnel or bright, ambitious, young personnel.

In fulfillment of a requirement set forth when a 54 strength Group was authorized, a formal Table of Organization has been recently approved. The Group is organized around two worldwide operational branches, each of which is concerned with the collection and dissemination of information on foreign involvement in certain specific aspects of the domestic U.S. scene. These branches are supported by a special operational unit and by sections concerned with the control of correspondence and the maintenance of a retrievable data base. In addition, the Office of Computer Services provides five full man years and two partial man years of programming and system design support for the computer systems under development for and utilized by the Group. Without such computer support, it would be impossible to run this program with the relatively small number of people authorized and with the short time deadlines required to provide effective requirements and guidance for field operations, and to respond effectively to special studies and estimates requirements levied upon the Agency.

21 APR 1972

ANNEX E

MEMORANDUM FOR: Deputy Director for Intelligence
 Deputy Director for Plans
 Deputy Director for Support
 Deputy Director for Science and Technology
 Heads of Independent Offices

(For Distribution to Office/Division Chief
 Level Only)

SUBJECT: CIA Activities in the United States

1. From time to time some of our employees express concern over various allegations or rumors of CIA activities in the United States. The attached memorandum is designed to clarify this subject so that supervisors can authoritatively reply to any employee indicating such concern. It is a statement of the facts of the situation. If incidents or activities are reported which appear to conflict with this statement, they should be reported to appropriate senior authority for resolution (or correction if unauthorized activities might have occurred).
2. Because of the possible sensitivity of this description of the Agency's methodology, this memorandum is not being given the usual broad circulation of the "FYI -- Allegations and Answers" series. Office and Division Chiefs are urged, however, to use it to inform Branch Chiefs so that its points can be readily available to supervisors to react to expressions of employee concern.

/s/ W. E. Colby

W. E. Colby
Executive Director-Comptroller

Attachment

WEC:sic
Distribution:

O - DDI

1 - Each Other Addressees:

ODP	D/DCI/IC	A/DCI (Thermon)
DDS	D/PPB	SAVA
DDS&T	ONE	USIB, <u>Proprietary</u>

ALLEGATION:

In a variety of ways it has been alleged that CIA is working within the United States, with particular attention to extremist groups.

FACTS:

1. Section 102 of the National Security Act of 1947, subparagraph D3, states, "The Agency shall have no police, subpoena, law-enforcement powers, or internal security functions."

In his speech to the American Society of Newspaper Editors on 14 April 1971, the Director states:

"I can assure you that except for the normal responsibilities for protecting the physical security of our own personnel, our facilities, and our classified information, we do not have any such powers and functions; we have never sought any; we do not exercise any. In short, we do not target on American citizens."

In the Director's "State of the Agency" speech to employees on 17 September 1971, he said:

"I gave a talk to the American Society of Newspaper Editors last winter, as you know, and I did it for only one purpose. That was to try and put in the record a few of these denials that we've all wanted to see put in the public record for some time. And you can rely on those denials. They're true, and you can use that as any text that you may need to demonstrate that we're not in the drug traffic, and that we're not trying to do espionage on American citizens in the United States, and we're not tapping telephone lines, and that we're not doing a lot of other things which we're accused of doing. One of the things that tends to perpetuate some of these silly ideas are jokes that are made about them, particularly about domestic espionage. Although the jokes have no basis in fact they nevertheless give us a name which we don't deserve. I don't say that that makes all that much difference, but it does make some difference, and this tends to spill over, so I would like to suggest that if you have it in your hearts to do so that you speak up when the occasion arises and try and set the facts straight."

2. From time to time some employees have been concerned that Agency activities might conflict with these statements. They can be assured that Agency activities do not. For clarification, some activities which may have been subject to misunderstanding are listed as follows:

- a. Domestic contacts. The Domestic Contact Service establishes discreet but overt relationships with American private citizens, commercial, academic and other organizations and resident aliens for the purposes of collecting on a voluntary basis foreign intelligence information or soliciting their cooperation in assisting the Agency to perform its mission overseas. Records of the individuals and organizations cooperating with the Agency are maintained as a necessary practical element of this process.
- b. Security Investigations. Security investigations are conducted on prospective employees, contractors, and consultants, and on security problems which arise. These investigations involve a wide range of investigative procedures, including neighborhood inquiries, checks with other Government agencies, review of credit reports, and interviews with former employers and business associates. This is essential to assure that our personnel possess a high degree of personal integrity, sense of responsibility, and competence and to protect classified information and sensitive intelligence sources and methods. The resulting files are held separately by the Office of Security and are not merged with other Agency files.
- c. Foreign Resources. On some occasions, foreign citizens of interest to CIA are contacted and recruited in America for work abroad. The purpose of this activity is entirely restricted to the Agency's foreign operations.
- d. Recruitment. CIA recruiters maintain a wide variety of contacts within the United States, assisting individuals interested in employment with CIA to learn more about it and to join its employee force.
- e. Contracting. In the course of CIA business and operations, a number of contracts for procurement, research, or analysis are made with a variety of U.S. companies and individuals. This in no way constitutes operations in the U.S. but rather secures the assistance of these groups in carrying out the CIA mission against foreign targets.

Administrative-Internal Use Only

ANNEX F



CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505
OFFICE OF THE DIRECTOR

9 May 1973

MEMORANDUM FOR ALL CIA EMPLOYEES

1. Recent press reports outline in detail certain alleged CIA activities with respect to Mr. Howard Hunt and other parties. The presently known facts behind these stories are those stated in the attached draft of a statement I will be making to the Senate Committee on Appropriations on 9 May. As can be seen, the Agency provided limited assistance in response to a request by senior officials. The Agency has cooperated with and made available to the appropriate law enforcement bodies information about these activities and will continue to do so.
2. All CIA employees should understand my attitude on this type of issue. I shall do everything in my power to confine CIA activities to those which fall within a strict interpretation of its legislative charter. I take this position because I am determined that the law shall be respected and because this is the best way to foster the legitimate and necessary contributions we in CIA can make to the national security of the United States.
3. I am taking several actions to implement this objective:

I have ordered all senior operating officials of this Agency to report to me immediately on any activities now going on, or that have gone on in the past, which might be construed to be outside the legislative charter of this Agency.

I hereby direct every person presently employed by CIA to report to me on any such activities of which he has knowledge. I invite all ex-employees to do the same. Anyone who has such information should call my secretary (extension 6363) and say that he wishes to talk to me about "activities outside CIA's charter."

4. To ensure that Agency activities are proper in the future, I hereby promulgate the following standing order for all CIA employees:

Any CIA employee who believes that he has received instructions which in any way appear inconsistent with the CIA legislative

Administrative-Internal Use Only

78-653 707

Administrative-Internal Use Only

charter shall inform the Director of Central Intelligence immediately.

/signed/

James R. Schlesinger
Director

Administrative-Internal Use Only

ANNEX G

29 August 1973

MEMORANDUM FOR: Deputy Director for Science and Technology
Deputy Director for Intelligence
Deputy Director for Management and Services
Deputy Director for Operations

INFO: Inspector General

SUBJECT: Questionable Activities

1. As an aspect of the allegations of improper CIA activity in connection with the Watergate and associated matters, the Inspector General was directed to assemble all information available in the Agency on any such activities. Certain specific matters were provided to him, and the Director by memorandum of 9 May 1973 directed all employees to report any activities, current or past, "which might be construed to be outside the legislative charter of this Agency." This information was assembled and consolidated by the Inspector General in a memorandum of 21 May 1973 and certain individual memoranda thereafter supplementing it. This material was used in a detailed, page-by-page review of all such information with Senator Symington and Congressman Nedzi, as Chairman of the Senate and the House Armed Services Intelligence Subcommittees, respectively. In addition, I undertook very specific commitments in my confirmation hearings to ensure that the Agency will remain within its legislative charter. I am arranging for the published transcripts of those hearings to be circulated throughout the Agency for compliance, and at that time will reaffirm the specific direction made by Dr. Schlesinger in his memorandum of 9 May 1973. This will also be incorporated into appropriate regulations.

2. With respect to the specific questionable activities which were reported as a result of the search made throughout the Agency, however, I believe it essential to take specific action in order that these not seem to be condoned or overlooked. I have therefore developed specific instructions on each reported activity. These are included in the attachments to this memorandum, and have the force of specific direction to you to pass on to appropriate subordinates the instructions outlined. Separate packages of such instructions are being developed for each Directorate in order to respect the sensitivity of some of the activities discussed, including those which are deemed quite

appropriate within CIA's charter. Similarly, each activity is placed on a separate page so that the Deputy Director concerned may most easily forward it to the office or offices directly concerned without distributing it more broadly.

3. In the event that these instructions raise substantial difficulties of implementation or compliance, I would appreciate your raising such cases with me directly, with whatever recommendations you may have for modification to carry out the spirit of the action undertaken here but to avoid undue disruption of legitimate activities. In the absence of such notice, I will expect full compliance with the instructions outlined herein.

4. Each addressee Deputy Director is instructed to recommend to the DDM&S modification or addition to Agency regulations of appropriate language to reflect the direction included in this memorandum and attachments addressed to him. DDM&S will be responsible for consolidating such recommendations and making an overall report to the Director through the IG, coordinating with General Counsel.

/signed/
W. E. Colby

Attachments

[This is an unclassified version of the original memorandum. A minor deletion was necessary to permit the production of this unclassified version.]

MEMORANDUM

SUBJECT: []CHAOS

[]CHAOS is restricted to the collection abroad of information on foreign activities related to domestic matters. CIA will focus clearly on the foreign organizations and individuals involved and only incidentally on their American contacts. As a consequence, CIA will not take on the primary responsibility for following Americans abroad, although CIA can accept a request by the FBI to be passed to an appropriate liaison service in a foreign country for the surveillance of such an American and the transmission of the results back to the FBI. It must be plainly demonstrated in each such transmission that the CIA is merely a channel of communication between the FBI and the appropriate foreign service and is not to be directly engaged in the surveillance or other action against the American involved.

With respect to Americans abroad who become suspect for security or counterintelligence reasons, any official U.S. personnel will be reported to their parent agency's security authorities, CIA will merely serve as a transmission belt for the information concerned. Specific CIA operations will not be mounted against such individuals, but they will be reported when their

identities come as an incidental result of other CIA foreign intelligence or counterintelligence operations. With respect to private American citizens abroad, any such information arising will be reported to the FBI. CIA involvement thereafter will be restricted to following intelligence or counterintelligence aspects of the case and transmitting any FBI requests for assistance from foreign security or intelligence services on the matter, in the fashion outlined above.

ANNEX H

[This is a cable of 5 March 1974 from CIA Headquarters to CIA addressees abroad. Certain deletions were necessary to permit the production of this unclassified version.]

]

]CHAOS

FROM COLBY

SUBJECT: TERMINATION OF []CHAOS PROGRAM

1. THIS MESSAGE IS TO NOTIFY YOU OF THE TERMINATION OF THE
[]CHAOS PROGRAM AND TO PROVIDE GUIDELINES UNDER WHICH HQS HAS BEEN
OPERATING FOR SOME TIME ON CERTAIN ACTIVITIES FORMERLY INCLUDED
IN []CHAOS.

2. GUIDELINES

ALL COLLECTION TAKES PLACE ABROAD. COLLECTION IS RESTRICTED
TO INFORMATION ON FOREIGN ACTIVITIES RELATED TO DOMESTIC MATTERS.
CIA WILL FOCUS CLEARLY ON THE FOREIGN ORGANIZATIONS AND INDIVIDUALS
INVOLVED AND ONLY INCIDENTALLY ON THEIR AMERICAN CONTACTS. IN
DOING THIS, FOLLOWING WILL APPLY:

A. WHENEVER INFORMATION IS UNCOVERED AS A BYPRODUCT
RESULT OF CIA FOREIGN-TARGETED INTELLIGENCE OR COUNTER-
INTELLIGENCE OPERATIONS ABROAD WHICH MAKES AMERICANS
[

]

ABROAD SUSPECT FOR SECURITY OR COUNTERINTELLIGENCE REASONS, THE INFORMATION WILL BE REPORTED BY CIA IN THE FOLLOWING MANNER.

(1) WITH RESPECT TO PRIVATE AMERICAN CITIZENS ABROAD, SUCH INFORMATION WILL BE REPORTED TO THE FBI.

(2) WITH RESPECT TO OFFICIAL U.S. PERSONNEL ABROAD, SUCH INFORMATION WILL BE REPORTED TO THEIR PARENT AGENCY'S SECURITY AUTHORITIES, AND TO THE FBI IF APPROPRIATE.

IN BOTH SUCH CASES, UNDER THIS SUB-PARAGRAPH, SPECIFIC CIA OPERATIONS WILL NOT BE MOUNTED AGAINST SUCH INDIVIDUALS: CIA RESPONSIBILITIES THEREAFTER WILL BE RESTRICTED TO REPORTING ANY FURTHER INTELLIGENCE OR COUNTERINTELLIGENCE ASPECTS OF THE SPECIFIC CASE WHICH COME TO CIA ATTENTION AS A BY-PRODUCT OF ITS CONTINUING FOREIGN-TARGETED OPERATIONAL ACTIVITY. IF THE FBI, ON THE BASIS OF THE RECEIPT OF THE CIA INFORMATION, HOWEVER, SPECIFICALLY REQUESTS FURTHER INFORMATION ON TERRORIST OR COUNTERINTELLIGENCE MATTERS RELATING TO THE PRIVATE AMERICAN CITIZENS INVOLVED IN THE SPECIFIC CASE, CIA WILL RESPOND ACCORDING TO THE GUIDANCE IN SUB-PARAGRAPH B BELOW. IN PERFORMING THESE FUNCTIONS CIA WILL BE DISCHARGING ITS RESPONSIBILITIES FOR PRIMARY FOREIGN COUNTERINTELLIGENCE COLLECTION ABROAD,

]

PARTICULARLY AS ASSIGNED IT UNDER PARAGRAPHS 1B AND
3B OF NSCID 5.

B. CIA MAY RESPOND TO WRITTEN REQUESTS BY THE FBI FOR CLANDESTINE COLLECTION ABROAD BY CIA OF INFORMATION ON FOREIGN TERRORIST OR COUNTERINTELLIGENCE MATTERS INVOLVING PRIVATE AMERICAN CITIZENS. SUCH COLLECTION ACTIVITY MAY INVOLVE BOTH LIAISON SERVICES AND UNILATERAL OPERATIONS. IN THE CASE OF LIAISON SERVICES, WHENEVER FEASIBLE IT SHOULD BE PLAINLY DEMONSTRATED IN THE TRANSMISSION OF THE REQUEST TO SUCH LIAISON SERVICES THAT CIA IS ACTING AS A CHANNEL OF COMMUNICATION BETWEEN THE FBI AND THE APPROPRIATE FOREIGN SERVICE. ANY UNILATERAL OPERATIONAL ACTIVITY WILL REQUIRE SPECIFIC PRIOR APPROVAL OF THE DDO, AND THE DCI WILL BE ADVISED THEREOF. PERTINENT INFORMATION OBTAINED WILL BE PROVIDED BY CIA TO THE FBI.

3. THE ACTIVITIES DESCRIBED IN PARAGRAPH 2 ABOVE WILL BEAR THE CRYPTONYM []. TRAFFIC WILL BE IN [] STAFF CHANNELS SLUGGED []. DISPATCH TRAFFIC SHOULD BE ADDRESSED TO CHIEF, OPS/ITG (2 COPIES) WITH ONE INFO COPY FOR THE CHIEF OF THE AREA DIVISION (EYES ONLY).

[

]

ANNEX I

NOTE: A selected group of attachments to this memorandum is attached. The selection includes all those which might be related to the allegations in The New York Times article of December 22nd.

29 August 1973

MEMORANDUM FOR: Deputy Director for Science and Technology
Deputy Director for Intelligence
Deputy Director for Management and Services
Deputy Director for Operations

INFO: Inspector General

SUBJECT: Questionable Activities

1. As an aspect of the allegations of improper CIA activity in connection with the Watergate and associated matters, the Inspector General was directed to assemble all information available in the Agency on any such activities. Certain specific matters were provided to him, and the Director by memorandum of 9 May 1973 directed all employees to report any activities, current or past, "which might be construed to be outside the legislative charter of this Agency." This information was assembled and consolidated by the Inspector General in a memorandum of 21 May 1973 and certain individual memoranda thereafter supplementing it. This material was used in a detailed, page-by-page review of all such information with Senator Symington and Congressman Nedzi, as Chairman of the Senate and the House Armed Services Intelligence Subcommittees, respectively. In addition, I undertook very specific commitments in my confirmation hearings to ensure that the Agency will remain within its legislative charter. I am arranging for the published transcripts of those hearings to be circulated throughout the Agency for compliance, and at that time will reaffirm the specific direction made by Dr. Schlesinger in his memorandum of 9 May 1973. This will also be incorporated into appropriate regulations.

2. With respect to the specific questionable activities which were reported as a result of the search made throughout the Agency, however, I believe it essential to take specific action in order that these not seem to be condoned or overlooked. I have therefore developed specific instructions on each reported activity. These are included in the attachments to this memorandum, and have the force of specific direction to you to pass on to appropriate subordinates the instructions outlined. Separate packages of such instructions are being developed for each Directorate in order to respect the sensitivity of some of the activities discussed, including those which are deemed quite

Similarly, each activity is placed on a separate page so that the Deputy Director concerned may most easily forward it to the office or offices directly concerned without distributing it more broadly.

3. In the event that these instructions raise substantial difficulties of implementation or compliance, I would appreciate your raising such cases with me directly, with whatever recommendations you may have for modification to carry out the spirit of the action undertaken here but to avoid undue disruption of legitimate activities. In the absence of such notice, I will expect full compliance with the instructions outlined herein.

4. Each addressee Deputy Director is instructed to recommend to the DDM&S modification or addition to Agency regulations of appropriate language to reflect the direction included in this memorandum and attachments addressed to him. DDM&S will be responsible for consolidating such recommendations and making an overall report to the Director through the IG, coordinating with General Counsel.

signed/

W. E. Colby

Attachments

MEMORANDUM

SUBJECT: Care in Relation to Significant Domestic Events

All Deputy Directors will exhibit particular sensitivity to the possible coincidence of CIA training, testing, or support activities and significant domestic, political or other events to which they could be wrongly related by the unwitting observer. This refers particularly to political conventions, the activities of dissident groups, etc., in which cases CIA activities should be deactivated, moved away, or suspended temporarily.

[This is an unclassified version of the original memorandum. A minor deletion was necessary to permit the production of this unclassified version.]

MEMORANDUM

SUBJECT: Audio Surveillance

[

] CIA will not operate audio equipment or otherwise actively assist other agencies in such operations against domestic targets. Equipment may be made available in such cases if:

1. There is full disclosure of the operation and there is no legal inhibition against it when carried out by the other agency.
2. No CIA participation is involved.

[This is an unclassified version of the original memorandum. Two minor deletions were necessary to permit the production of this unclassified version.]

MEMORANDUM

SUBJECT: [cryptonym]

[] Project [cryptonym] is approved as a necessary support to foreign intelligence operations. Care will be taken that, during the training and development period of such agents in the United States, they will not be operated by CIA against domestic targets. To the extent that incidental knowledge is gained of such matters, it may be passed to the FBI on the approval of the Deputy Director for Operations.

[This is an unclassified version of the original memorandum. A minor deletion was necessary to permit the production of this unclassified version.]

MEMORANDUM

SUBJECT: []CHAOS

[]CHAOS is restricted to the collection abroad of information on foreign activities related to domestic matters. CIA will focus clearly on the foreign organizations and individuals involved and only incidentally on their American contacts. As a consequence, CIA will not take on the primary responsibility for following Americans abroad, although CIA can accept a request by the FBI to be passed to an appropriate liaison service in a foreign country for the surveillance of such an American and the transmission of the results back to the FBI. It must be plainly demonstrated in each such transmission that the CIA is merely a channel of communication between the FBI and the appropriate foreign service and is not to be directly engaged in the surveillance or other action against the American involved.

With respect to Americans abroad who become suspect for security or counterintelligence reasons, any official U.S. personnel will be reported to their parent agency's security authorities, CIA will merely serve as a transmission belt for the information concerned. Specific CIA operations will not be mounted against such individuals, but they will be reported when their

ties, CIA will merely serve as a transmission belt for the information concerned. Specific CIA operations will not be mounted against such individuals, but they will be reported when their identities come as an incidental result of other CIA foreign intelligence or counterintelligence operations. With respect to private American citizens abroad, any such information arising will be reported to the FBI. CIA involvement thereafter will be restricted to following intelligence or counter-intelligence aspects of the case and transmitting any FBI requests for assistance from foreign security or intelligence services on the matter, in the fashion outlined above.

MEMORANDUM

SUBJECT: Restrictions on Files of American Citizens

The Office of Security or the Chief, CI Operations will not maintain files of American citizens other than those developed as an incidental aspect of foreign intelligence or counterintelligence matters or as employee, applicant, contact, etc. The arrest records formerly received from the Washington, D.C., and certain other areas have been destroyed and will not be reconstituted.

MEMORANDUM**SUBJECT: Restrictions on Operational Lists on Americans**

The accumulation of operational leads to Americans with access to significant foreign targets must be conducted in a fashion which clearly avoids the charge that black lists of any sort are being accumulated by CIA. If such listings cannot be made by CIA in a non-misunderstandable manner, arrangements should be made for the service to be performed by the FBI or other service which can legitimately do this function. This particularly refers to matters such as mail watches, overseas telephone call watch lists, doctors who studied abroad, etc.

MEMORANDUM

SUBJECT: U.S. Citizens Involved in Narcotics Abroad

NARCOG is directed to review its passage of information with respect to U.S. citizens involved in narcotics trafficking abroad. To the extent these reports reflect intelligence incidentally acquired on U.S. citizens in the course of operations against foreign intelligence targets in the narcotics field, these reports may be continued, but no operations are authorized to be launched aimed at individual U.S. citizens as a target in themselves. Assistance can be provided for DEA operations abroad in the narcotics field, even in provision of intelligence-related equipment, so long as it is clear that the operation belongs to the DEA and is not a joint activity by CIA and DEA against U.S. citizens.

MEMORANDUM**SUBJECT:** Foreign Connections with Organized Crime in the U.S.

The SEC request for assistance with respect to information on any foreign connection with organized crime in the U.S. should focus on foreign targets and not on U.S. citizens. To the extent that information on the latter appears to be acquired incidentally to the foreign coverage, it may be passed to the appropriate agency.

MEMORANDUM

SUBJECT: DCS Assessment of U.S. Citizens

DCS assessment of the suitability and willingness of U.S. citizens to cooperate with CIA in its foreign intelligence mission is an appropriate action.

MEMORANDUM

SUBJECT: DCS Interest in Foreign Students and Foreign National Physicians

DCS collection of information on foreign students studying in the U.S and on foreign national physicians trained abroad but practicing in the U.S. may continue. DCS may also continue to accept information on possible foreign involvement in U.S. dissident groups and narcotic trade, when sources refuse to deal directly with the FBI or DEA.

MEMORANDUM

SUBJECT: The Intelligence Evaluation Committee

The Intelligence Evaluation Committee has been disbanded. In the future, CIA participation in interagency domestic intelligence discussions will be restricted to the provision of foreign intelligence which might bear upon the matters being considered. CIA will not participate in recommendations or actions with respect to domestic affairs.

MEMORANDUM

SUBJECT: Reporting on Dissident Groups

Reference to U.S. dissident groups can appear only in the most incidental form in CIA publications, and no study in depth will be developed of such groups, such as occurred in OCI publications in 1967 and 1968. However, it is appropriate to focus on significant foreign intelligence such as black radicalism, even when such subjects have substantial impact on domestic situations.

[This is an unclassified version of the original memorandum. A minor deletion was necessary to permit the production of this unclassified version.]

MEMORANDUM

SUBJECT: Project [cryptonym]

In the course of foreign intelligence or counterintelligence operations, it may on occasion be appropriate to conduct surveillance of foreign individuals temporarily within the United States. Any such surveillance will be conducted in coordination with the FBI. Such surveillance by CIA will also be limited to the foreign personnel and will not be extended to include surveillance of American contacts or associates.

[This is an unclassified version of the original memorandum. A minor deletion was necessary to permit the production of this unclassified version.]

MEMORANDUM

SUBJECT: Projects [cryptonym, cryptonym, cryptonym]

No surveillance, telephone tap, or surreptitious entry will be conducted against employees or ex-employees of the Agency outside Agency property.

In the event that threats to intelligence sources and methods appear from Agency employees or ex-employees, the appropriate authorities will be advised, and the Agency will cooperate with the appropriate authorities in the investigation of possible violation of law.

[This is an unclassified version of the original memorandum. A minor deletion was necessary to permit the production of this unclassified version.]

MEMORANDUM

SUBJECT: Projects [cryptonym, cryptonym, cryptonym]

No surveillance, telephone tap, surreptitious entry or other action will be taken by Agency personnel in the United States against United States citizens not connected with CIA, under the claimed authority of "protection of intelligence sources and methods." This provision of the law lays a charge and duty on the Director and the Agency to act so as to protect intelligence sources and methods. It does not give it authority to take action with respect to other American citizens. If a threat or exposure of intelligence sources and methods occurs, the Agency can appropriately assemble its information on the topic and conduct such steps within its organization as may be appropriate. With respect to outsiders, the appropriate lawful authorities must be approached for assistance on the matter, e.g., the FBI or local police.

[This is an unclassified version of the original memorandum. A minor deletion was necessary to permit the production of this unclassified version.]

MEMORANDUM

SUBJECT: Project [cryptonym] and Project [cryptonym]

Projects [cryptonym] and [cryptonym] are terminated. It is appropriate under certain circumstances to record the mail addresses of senders and receivers, but no such lists should be developed as a watch list on American citizens, such as, for example, the list of doctors who studied abroad.

MEMORANDUM

SUBJECT: Testing of Equipment in U.S.

Testing of intelligence and espionage-peculiar equipment may be undertaken in the United States, but care will be taken that no recordings are made of U.S. citizens or otherwise conducted on unwitting subjects in the United States. If it is essential to test equipment on an American communications system or other establishment, this may be done provided that no recordings of the material are retained or examined by any element other than the original test engineers.

[This is an unclassified version of the original memorandum. A minor deletion was necessary to permit the production of this unclassified version.]

MEMORANDUM

SUBJECT: Project [cryptonym]

Per our discussion with the retiring Director of BNDD, Project [cryptonym] will be phased out. CIA will not develop operations to penetrate another Government agency, even with the approval of its leadership.

[This is an unclassified version of the original memorandum. A minor deletion was necessary to permit the production of this unclassified version.]

MEMORANDUM

SUBJECT: Project [cryptonym]

It is appropriate for the Office of Security to develop private sources among CIA employees. It is not appropriate for CIA to penetrate domestic groups external to CIA, even for the purpose of locating threats to the Agency. Notice of such threats should be reported to the appropriate law enforcement bodies and CIA will cooperate with them in any action required which does not involve direct CIA participation in covert clandestine operations against U.S. citizens in the United States.

MEMORANDUM

SUBJECT: Influencing Human Behavior .

Any experiment or use of drugs or other techniques for influencing human behavior will be undertaken only with the Director's specific approval and in no case on unwitting American citizens.

MEMORANDUM

SUBJECT: Postal Service

The assistance provided the Office of the Chief Postal Inspector by OTS seems appropriate, provided it is essentially defensive in orientation and would not assist penetration of the mail.

MEMORANDUM

SUBJECT: OEL Speech-Processing Assistance

Speech-processing assistance by OEL should be limited to assistance in the technique developed for speech processing and should not involve the processing of the tapes themselves by CIA or with CIA participation.



